THE SOCIAL CONTRACT

Vol. VII, No. 1 Fall 1996

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'Anchor Babies' The Citizen-Child Loophole

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Contributors include:

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U.S. Rep. Brian Bilbray
William Chip
Peter Schuck
Rogers M. Smith
Dan Stein

...together with commentary about the push for 'Official Spanish' and the effects of massive immigration on the economy and U.S. culture.

Statisticians at the U.S. Dep't of Education are very wrong about school enrollment
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About The Social Contract

The English philosopher John Locke, whose thinking helped inspire the American revolution, said that society should be governed by an understood set of values he termed "the social contract." Under the social contract, governments have obligations to their citizens, and citizens have responsibilities to society.

Most great public issues are basically moral and ethical ones. What is the right thing to do? How do we decide what we think is right? When "rights" collide, which ones take precedence? The concept of the social contract helps us sort out the difficult issues confronting American society today and helps us find balance.

Each quarter, **The Social Contract** journal examines trends, events and ideas that could unravel America's delicate social fabric. Key topics addressed by this journal:

- *Human population issues, including absolute size, rate of growth and distribution.* Do cherished American ideals prosper or suffer through further population growth?
- *Immigration issues.* In order to best facilitate meeting the highest goals of the American people, (1) how many immigrants should we admit? (2) who should be admitted, and (3) how can we humanely enforce the rules?
- *Language, assimilation, culture and national unity considerations.* What are the shared values necessary to the maintenance of our social contract?
- *The balance of individual rights and civic responsibilities.* Since the previous issues are so often framed in terms of rights, what are the balancing obligations?
- *Other nations' efforts at guarding or creating their own social contracts.* What practical insight can be gained from observing the failures and successes in nation-building by other societies?

The Social Contract explores these complex and interrelated issues with articles varying greatly in outlook and philosophy in the attempt to further vigorous public debate.

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THE SOCIAL CONTRACT

Vol. VII, No. 1 Fall 1996

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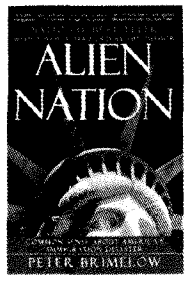

ALIEN NATION: COMMON SENSE ABOUT AMERICA'S IMMIGRATION DISASTER

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Forbes magazine senior editor Peter Brimelow puts forth a compelling case that current high levels of immigration are changing the very fabric of the American nation. He argues that these levels are not traditional (as many think) and that there are signficant differences between present immigration and past immigration — differences that bode ill for America. Of special interest is the "Afterword" in this new printing describing the reactions of columnists and commentators to the hardcover edition.

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Letter from the editor

Jumping the Queue

The focus of this issue is the "citizen child" — otherwise known as an "anchor baby." Both terms refer to the practice of granting citizenship to children born in the United States of illegal alien parents. Opposition in this year's Republican Party platform to this practice brought it from obscurity to public attention. That in turn elicited horrified gasps from the major news media, from Democrats, and even the Republicans' own presidential ticket. These reactions were based on almost no knowledge of the underlying issues.

Associate Editor Wayne Lutton opens with information on the costs of the practice. Then Congressmen Bielenson and Bilbray — a Democrat and a Republican respectively — recognize the problem and propose solutions, the one legislative, the other through a constitutional amendment. Lawyers Stein, Bauer and Chip give us their views on the fine points, reminding us of the old dictum about the mills that "grind slowly, yet they grind exceeding small." There follows an article by Yale professors Schuck (law) and Smith (political science) summarizing the views presented in their book, *Citizenship without Consent*, the main resource on the topic. They feel that the Supreme Court has not settled the question.

Beyond the practice's inherent absurdity, there are significant demographic ramifications. In 1992, for instance, nearly 96,000 babies were born to illegal aliens in California alone. Extrapolated to the whole country, perhaps as many as 200,000 citizen-children were added to the population that year. Compare that to the average total annual migration to the United States 1925-1965: 178,000! The number of "anchor babies" exceeds that of many other immigration categories, such as spouses, minor children of citizens, refugees and skilled immigrants. And, of course, none of these citizen-child "admissions" is counted in our immigration statistics.

Beyond these 200,000 additions to our population that are unattributed to immigration there lies a demographic time bomb with a twenty-one year fuse. A main reason for coming to the U.S. to give birth is to jump the immigration queue, since the mother and her family are then related to a U.S. citizen! This allows the citizen-child at age 21 to petition for the admission of parents, brothers and sisters, their spouses and own children, and so on.

Given the large-family-size characteristic of the home countries of many illegals, what multiplier should be applied to the number of citizen-children to predict potential population growth — five, perhaps? That would account only for two parents and two siblings, small by Third World standards.

How many citizen-children/anchor babies have been born in the U.S. over the past twenty years — individuals who are in the pipeline and waiting for the time when they can apply for the admission of their relatives? Not surprisingly, no one knows, but if the annual average number of such births is half the 1992 figure given above, there may be as many as 2 million. If the multiplier is 5, that is 10 million additional people — more people than live in each of 44 of our states — and does not take into account the further multiplier of the siblings' spouses, their parents, siblings, and children and on *ad infinitum*.

I believe this is the first time that this aspect of the immigration debate has come to light. Note that these people do not show up on any list of backlogs. This "immigration debt" is perhaps analogous to the unfunded federal debt — pensions and other benefits promised, but for which no money has been set aside. Whew!

The center section of this issue of our magazine is only marginally lighter reading. In it you will find an article on family reunification, a challenge to the census bureau, a further listing of "infamous immigrants" (following up on our essay on this topic in Vol. VI, No. 3, Spring, 1996), and excerpts from an internet debate on Guam's immigration policy that pushes the limits of the discussion on cultural questions. The book review section of the magazine will acquaint you with several volumes well worth knowing. Perhaps you will want to read one or more of them in their entirety.

So, *bon appétit*!

JOHN TANTON
Editor and publisher

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Bulletin Board

Immigration on the Internet

THE SOCIAL CONTRACT journal and THE SOCIAL CONTRACT PRESS are on the internet. Our address is **http://www.tscpress.com**. Our home page gives our mission statement, information about THE SOCIAL CONTRACT, a list of books for sale, editorials from several immediately previous issues which highlight the contents of each, plus the internet addresses of other groups working on immigration reform, population control and national unity questions.

This home page also hosts the newsletter of the Biocentric Institute edited by William Dickinson.

Other Internet Sites to Visit

A number of groups and individuals are coming "on line." Here are the ones we are aware of:

Federation for American Immigration Reform (FAIR) <fair@fairus.org>
Center for Immigration Studies (CIS) <center@cis.org>
Negative Population Growth (NPG) <103527.3545@compuserve.com>
Carrying Capacity Network (CCN) <ccn@igc.apc.org>
Californians for Population Stabilization (CAPS) <caps@calweb.com>
Philip Martin publishes *Migration News* <migrant@primal.ucdavis.edu> and as well at <gopher://dual.ucdavis.edu>
Norman Matloff (professor) has many articles and a great deal of data: <heather.cs.ucdavis.edu/pub/Immigration/Index/html>
And, of course, THE SOCIAL CONTRACT's e-mail address: <soccon@freeway.net>

We'd like to hear from you.

Affirmative Action Update

Writer Jim Robb's article for the Winter 1995-1996 issue of THE SOCIAL CONTRACT (Vol. VI, No.2) has opened significant debate on the issue of affirmative action for immigrants. To foster further articles on the topic and to encourage dialogue, THE SOCIAL CONTRACT is sponsoring a site on the internet dedicated to that topic.

Click on www.netcom.com/~jimrobb.

You will find the executive summary of his monograph, "Affirmative Action for Immigrants?" as well as reprints of other essays, op-eds and speeches on the subject. There is a place for your comments and questions.

Annotated Bibliography

Bibliographies are essential to becoming well-read within a particular area of interest. *Annotated* bibliographies are especially useful, since they provide not only a reference, but a brief summary of the works as well, often saving much valuable research time. For this reason we are in process of compiling an annotated bibliography on the subject areas of interest to readers of THE SOCIAL CONTRACT — migration, national unity, population growth, etc. We are not only interested in a bibliography of current books, but of many out-of-print classics that should not be forgotten. You can help in the following ways:

- by alerting us to books (current and classic) that you feel should be included, and/or
- by providing us with annotations of such books.

The current (and at present very brief) bibliography will be posted to our internet site within a few months.

Reference Library

Along the same lines as above, we would like to have a definitive collection of reference materials available for those needing them. An easily accessible collection of such works in one location would be invaluable for both activists and scholars. If you have a book that you think should be included in this collection, and you would like to donate it for public consumption, please contact us. We are especially interested in out-of-print classics, since we have many of the most recently published works. Again, there are two ways you can help:

- by alerting us to books (current and classic) that you feel should be included, and/or
- by donating such books.

With respect to classics, if the copyright has expired we could possibly copy or scan the work and return it. This request concerns not only books, but also important articles as well.

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'Anchor Babies'

The citizen-child loophole

by Wayne Lutton

The Fourteenth Amendment to the U.S. Constitution, quoted in the box on this page, was ratified in 1868 as a measure to grant citizenship to recently freed black slaves. However, it has been interpreted by the Congress as extending citizenship to anyone born within the geographic limits of the United States, even if the individual's parents are not citizens or legal residents.

Popularly known as the "citizen-child loophole," this curious provision of U.S. law is used every year by tens of thousands of illegal aliens to obtain instant U.S. citizenship for their newborns. By mid-1995, the number of citizen-children who had been born to illegal alien parents was conservatively estimated at over one million.[1] The citizen-children are automatically entitled to all of the benefits available to Americans, and, upon reaching the age of 21 years, can legally sponsor their parents and siblings for citizenship. This is why they are known as "anchor babies" — a child making it possible for an entire family to gain entry into the United States and its social welfare programs.

> **All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.**
>
> — The U.S. Constitution Amendment Fourteen Section 1

As illegal aliens, the parents of such children could be reported to federal authorities and potentially face deportation. However, deportations rarely occur. Indeed, being the parent of a new citizen-child is often cited as a legal argument to avoid such action. "In the last 10 to 15 years, I can't remember a case (of deportation of parents)," observed Peter Nuñez, U.S. Attorney for San Diego during the Bush administration.[2]

Along the Texas-Mexican border, pregnant Mexican women frequently use the services of midwives (*parteras*) on the U.S. side who, for anywhere from $200 to over a $1000, provide women with delivery care, as well as U.S. citizenship forms and supporting documentation for their infants. From Matamoros, Mexico, pregnant women often simply take a taxi across the international bridge to deliver their children in Brownsville, Texas. One popular midwife, 48-year-old Trini Saldivar, freely conceded to a *Los Angeles Times* reporter that "the prospect of instant citizenship is the lure that draws many of her patients across the border."

"Mexicans who cannot afford American immigration lawyers after their kids are born go to American *parteras* before their kids are born," Professor Margarita Tagle of Texas A & M University explained. Between Brownsville and Laredo, 140 *parteras* are doing business — about one per mile. In 1995, 259 midwives were licensed in Texas.[3] Should complications arise, women are taken to local public hospitals, where they are cared for at U.S. taxpayer expense.[4]

California Governor Pete Wilson pointed out in 1994 that there was an alarming jump in the number of citizen-children on Aid to Families with Dependent Children (AFDC). Between 1988 and 1993, the number of citizen-children in California receiving AFDC increased fourfold to about 12 percent of the state caseload. A report by the California Department of Health Services found nearly 96,000 babies were born to illegal immigrants in 1992, with their medical care costing the state

Wayne Lutton, Ph.D., *is a policy analyst and an historian who is currently associate editor of* The Social Contract. *His next book,* The Costs of Immigration, *will be published by The Social Contract Press early in 1997.*

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$230 million.[5] A 1993 cost-benefit study prepared by Louis Rea and Richard Parker of San Diego State University found that 41 percent of the estimated 5,800 citizen-children born in San Diego County in 1992 immediately went on welfare. A year later, about 34 percent of them were still receiving benefits. Such welfare cases in San Diego were estimated to cost taxpayers $18.7 million per year.[6] By 1995, there were over 114,000 citizen-children living in Los Angeles County.

The system is open to fraud. A state-funded Orange County (CA) study found 62 percent of the claims in citizen-child cases were fraudulent. Some parents were earning money without reporting their income, or were using counterfeit documents.

"...the Fourteenth Amendment's citizenship clause pertains only to the children of those legally admitted to permanent residence."

Others were not even living in California. "They were getting checks laundered by friends and family. When we checked with schools, often the child wasn't in the country," reported Angelo Doti, director of financial assistance for Orange County.[7]

Last year, in the largest such case in INS history, four midwives in Brownsville and San Benito, Texas pleaded guilty to filing fraudulent Texas birth certificates for 1,500 children actually born in Mexico. Making $800 to $1,200 for each birth certificate they falsified, the network of midwives operated profitably from 1988 to 1994.[8] However, midwife-assisted birth registrations are rarely checked. There are virtually no safeguards to prevent a midwife from inventing a child's U.S. address.

The United States is one of the very few countries basing citizenship on the mere fortuity of having been born here. The overwhelming majority of countries base citizenship on the legal status of the parents. [See the chart on page 16.]

Peter Schuck and Rogers Smith of Yale University are among the legal scholars who argue that the Fourteenth Amendment's citizenship clause pertains only to the children of those legally admitted to permanent residence. Few believe that the framers of the Fourteenth Amendment intended to extend citizenship to the children of illegal aliens, a non-existent legal concept in 1868.[9] (See page 19.)

Several members of Congress have introduced measures to close the "citizen-child loophole." Rep. Mark Foley (R-FL) is sponsor of a Citizenship Clarification Amendment. This act would grant automatic citizenship to a newborn only on the condition that at least one parent is a legal resident at the time of the child's birth.

Rep. Brian Bilbray (R-CA) asserts Congress can simply reinterpret the Fourteenth Amendment to the Constitution, since the drafters could not have foreseen the current immigration situation. Rep. Bilbray's Citizenship Reform Act would amend the Immigration and Nationality Act to define the Amendment's phrase "subject to the jurisdiction thereof" as referring only to U.S. citizens or legal immigrants. Immigrants illegally in this country would be in violation of the act. (See page 9.)

On another tack, Elton Gallegly (R-CA) and Anthony Beileson (D-CA) both have submitted constitutional amendments that would deny citizenship to babies of illegal aliens. (See page 7.)

These proposals were introduced during the 1995-1996 Congress but were not acted upon. They are expected to be reintrodcued in the next Congress. □

NOTES

[1] Nancy Cleeland and Eric Young, "Citizen children: Offspring of illegal immigrants face an uncertain future," *Miami Herald*, June 5, 1995.

[2] Ibid.

[3] Jesse Katz, "Rio Grande Midwives Deliver Citizenship," *Los Angeles Times*, May 13, 1995.

[4] Matt Moffet, "Border Midwives Bring Baby Boom to South Texas," *Wall Street Journal*, October 16, 1991.

[5] Joan Lowry, "Pushing to limit U.S. birthright," *San Francisco Examiner*, July 23, 1995.

[6] Ibid.

[7] Cleeland and Young, op. cit.

[8] Fernando Del Valle, "Four midwives plead guilty," *Valley Morning Star*, Harlingen, Texas, July 6, 1995.

[9] Peter H. Schuck and Rogers M. Smith, *Citizenship Without Consent* (New Haven: Yale University Press, 1985).

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Anchor Babies

Case for Correction By Constitutional Amendment

by Congressman Anthony C. Beilenson

If we as a nation are serious about cracking down on illegal immigration, we must stop rewarding illegal immigrants by granting automatic citizenship to their children who are born in the United States. The only way to make that change is to adopt a Constitutional Amendment limiting birthright citizenship to children of U.S. citizens and legal residents.

As a nation, we have always taken great pride in expanding the rights of groups of people through the years, and the notion of denying an existing right to any class of people — no matter how sensible it may be — is something that goes against our nature as Americans. Furthermore, many of us have such deep respect for the Constitution that we are reluctant to support changing it, except for the most compelling of reasons.

However, the situation we are addressing — the automatic conferring of citizenship on children of people who have entered our country in violation of our laws — is so unfair, and unintended when the Fourteenth Amendment was adopted, that it provides one of those rare, compelling reasons for amending the Constitution.

The Fourteenth Amendment, which states that "all persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside," was adopted shortly after the Civil War to ensure the benefits and privileges of citizenship for former slaves, which had been denied by the Supreme Court's disastrous *Dred Scott* decision. Because the U.S. did not limit immigration in 1868 when the Fourteenth Amendment was approved — and there were, therefore, no illegal immigrants — the issue of citizenship for children of those here in violation of the law was nonexistent. Thus, the granting of automatic citizenship to these children is a totally inadvertent and unforeseen result of the amendment and the times in which it was adopted.

"The situation we are addressing... provides one of those rare, compelling reasons for amending the Constitution."

This grant of citizenship to offspring is one of several factors that make illegal immigration attractive. The primary draw, of course, is jobs, but there is evidence that at least some illegal immigration is for the purpose of gaining citizenship. One survey conducted under the auspices of the University of California, for example, found that of new Hispanic mothers in California border hospitals, 15 percent had crossed the border specifically to give birth. The fact that two-thirds of births in Los Angeles County hospitals are to illegal-immigrant mothers is indication that, for whatever reason, a great number of children are becoming U.S. citizens by virtue of being born to parents who are in the U.S. in violation of our laws.

The most objectionable aspect of granting citizenship to those offspring is that it is

Anthony C. Beilenson *is a member of the U.S. House of Representatives. A Democrat, he represents a district just north of Los Angeles that includes the San Fernando Valley. He introduced a constitutional amendment to make the changes he advocates in this article. Offering a similar amendment was Rep. Elton Gallegley, a Republican, representing a district adjacent to Beilenson's.*

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fundamentally unfair. While millions of people around the world wait patiently—in some cases for many years — to immigrate legally to the U.S., those individuals who manage to circumvent immigration laws are rewarded for it by having their children granted automatic citizenship. It also creates an irrational and unfair system under which one set of children of illegals — those who arrived here with their parents — are treated differently from those who happened to be born in the U.S. This often occurs within the same family.

This unfairness has a lot to do with why most European and Asian countries limit citizenship to the children of citizens or legal residents, and only use place of birth in exceptional circumstances. The United Kingdom, for example, formerly had birthright citizenship until, largely because of immigration pressures, they restricted it in 1981 to now require that one parent be a legal resident.

Granting birthright citizenship in these cases can also end up rewarding parents for being here illegally. For example, although undocumented aliens are not eligible for welfare benefits, their citizen children qualify for Aid to Families with Dependent Children (AFDC) and other benefits granted to citizens. Based on data collected in California for AFDC's "children only" cases, the California Department of Social Services estimated that in fiscal 1994-1995, 193,800 children of illegal immigrants received welfare, at a total cost of $553 million.

Moreover, under the welfare reform bill recently signed by the President, severe restrictions on eligibility for most government benefits will be placed on *legal* immigrants. That puts us in the ironic, illogical, and unfair position of denying benefits for immigrants who are here legally, while granting them for children of families who are here illegally.

While much of the country is only beginning to realize the impact of illegal immigration, in areas such as Southern California, where people live with the problem day in and day out, there is a great deal of support for changing the provision of birthright citizenship.

Last year I surveyed my Los Angeles area constituents on a number of topics, and one of the questions I asked was: "Do you support eliminating the automatic granting of citizenship to U.S. born children of illegal immigrants?" The response was overwhelmingly favorable: 83 percent of the respondents supported this proposal, while only 17 percent were opposed. This was not a particularly conservative group since 79 percent of those same respondents supported the ban on assault weapons; 78 percent opposed additional restrictions on abortion; and 64 percent opposed allowing organized prayer in public schools.

Some supporters of the current system have expressed concern that limiting birthright citizenship might unfairly penalize the children of illegal immigrants. But, because every country confers citizenship to the children of their nationals who are born overseas, those children would be treated in exactly the same manner as their older brothers and sisters who were born before their parents came to the United States. Moreover, because the Fourteenth Amendment only sets a floor below which Congress cannot limit citizenship, Congress would still be free to grant citizenship to classes of individuals in particularly unfair or exceptional circumstances.

Virtually everyone agrees that we need to take stronger action to stop illegal immigration, yet we continue to encourage and reward those who immigrate illegally by automatically conferring citizenship on their U.S.-born children. This unreasonable and unfair policy needs to be changed by amending the U.S. Constitution to limit birthright citizenship to the children of U.S. citizens and legal residents. □

Critics Say Immigration Firm was Fraudulent

WASHINGTON — Already under scrutiny for an election-year push to naturalize immigrants, the Clinton administration now must answer why it permitted a major citizenship testing outfit to remain open despite evidence of cheating.

The government believes that officials at the Florida-based Naturalization Assistance Services "specifically overlooked or disregarded cheating" by its testing centers, clearing immigrants who couldn't speak English to become citizens, documents state.

Federal officials reported instances in which immigrants who paid money were given answers to their tests. The Immigration and Naturalization Service suspended NAS last December, only to reinstate the outfit days later — even before a scheduled agency hearing into the problems.

— from the Associated Press
Petoskey [MI] News-Review, September 10, 1996

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Anchor Babies

The Case for Correction Through Legislation

by Congressman Brian Bilbray

In the debate surrrounding the strengthening of our immigration laws to reduce illegal immigration, citizenship is a pivotal concept. In March of 1995, I introduced the "Citizenship Reform Act" (H.R. 1363) which denies automatic citizenship to children born to illegal aliens on U.S. soil. The difference between my legislation and others pending before the House of Representatives is that H.R. 1363 makes these changes statutorily and does not makes the changes through a Constitutional Amendment.

The current interpretation of the law allows children of illegal alien parents born on U.S. soil to automatically be granted U.S. citizenship. It is my view that this is an insult to legal aliens, such as my mother, who observed our immigration laws and came to the U.S. through the proper channels. However, the most striking fact about this issue is that there is no basis in law or Supreme Court rulings for the current interpretation. As I will explain further, the Fourteenth Amendment, and the debate surrounding it, is very clear in its assertion that "All persons born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States." In addition, there has been no Supreme Court ruling on a case dealing with the children of illegal aliens.

Section 5 of the Fourteenth Amendment states that "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." Congress has employed this Constitutional power by enacting legislation which clarified the citizenship status of American Indians. After passage of the Fourteenth Amendment, Congress issued the "Act of July 15, 1870," in which a Winnebago Indian from Minnesota was permitted to apply for citizenship, with the condition that the Indian cease to be a member of the tribe, and his land be subject to taxation. The "Indian Territory Naturalization Act" of May 2, 1890 broadened the earlier act by allowing any member of any Indian tribe or nation residing in Indian Territory to apply for citizenship. From 1854 until 1924, citizenship was a common government incentive to encourage the assimilation of *Indians*. Congress' authority to naturalize Indians has been sustained by the courts in the cases of *Elk v Wilkins* in 1884 and *United States v Celestine* in 1909.

> ***"...it is clearly and completely within the authority of the Congress of the United States to further define the citizenship laws of our great country."***

Indians were perceived to owe allegiance to their tribe, and were therefore not under the "obedience" of the United States. Indians could only be granted U.S. citizenship by an act of Congress in which they had to renounce their allegiance to their tribe. Today, those persons that are in the United States illegally are clearly not "subject to the jurisdiction thereof" — that is: obedience to the federal government — as illustrated by the fact that they have chosen to violate our immigration laws. If illegal aliens have babies on U.S. soil they, according to precedent, must demonstrate obedience to our laws. This, as the historical record has demonstrated repeatedly in cases involving Indians, can be achieved only through acts of Congress. Indians

***Brian Bilbray** is a member of the U.S. House of Representatives from California. A Republican, his district adjoins the Mexican border.*

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were not considered automatic citizens; by the same logic, therefore, children of illegal aliens should not receive automatic citizenship.

In the Supreme Court case of the *United States v Wong Kim Ark*, the plaintiff, Mr. Ark, was born in San Francisco in 1873. His parents were legal immigrants from China and were "domiciled residents of the United States." The Court held that Mr. Ark was a citizen of the United States even though his parents owed allegiance to the Emperor of China.

This case was based on a fundamental principle of the British common law. Supreme Court Justice Gray discussed this principle in the Court's opinion — that "the children, born within the realm, of foreign ambassadors, or the children of alien enemies, born during and within their hostile occupation of part of the king's dominions, were not natural-born subjects, because [they were] not born within the allegiance, the obedience, or the power, or, as would be said at this day, within the jurisdiction of the king." The *Wong Kim Ark* case was consistent in this regard with British common law.

"The fact that the Supreme Court has never ruled on this issue, coupled with the difficulty of passing an amendment to the Constitution, gives strength to my argument that we should implement this change statutorily."

However, the major distinction with this case was that Wong Kim Ark's parents had come to America legally. The Supreme Court has never ruled on the case of a child of someone who had come to America illegally. It has only ruled on the narrow factual case of children of legal immigrants.

That is the historical context. In the present, there is the very tangible question of cost to local counties and states that bear the burden of caring for the chldren of illegal aliens. The nearly 96,000 babies who were born to undocumented women covered by the Medi-Cal program in 1992 represented an 85 percent increase over three years. In 1992 alone, the cost to California taxpayers was more than $230 million in medical bills. In my county of San Diego, the county estimates that the total cost for undocumented immigrants, from 1992 to 1993, was over $64 million. These are costs that counties and states just simply cannot afford, especially when a large percentage of these costs is incurred outside the parameters of any true basis in law or Supreme Court ruling.

Let me be clear in one essential point. I do not blame young mothers for wanting the best health care possible for themselves and their babies, or wanting to give their children the option of a better life in America. It is by no fault of their own that the United States' failed immigration policies have resulted in their being encouraged to come into this country illegally. However, their plight or predicament does not give them a free pass to circumvent those who are trying to work within the system and come to America legally. By the same token, it is also not the fault nor the responsibility of the American taxpayer, who is paying for these costs through fewer benefits and higher taxes.

Although a number of my colleagues advocate a constitutional amendment to correct this interpretation of the law, it is my view that this would be superfluous. The fact that the Supreme Court has never ruled on this issue, coupled with the difficulty of passing an amendment to the Constitution, gives strength to my argument that we should implement this change statutorily. The Congress has demonstrated its authority to act under Section 5 of the Fourteenth Amendment by granting citizenship to American Indians. The Congress' elected status and our position as coequal branches of government gives our actions great weight in the Supreme Court. Therefore, it is under Congress' purview to define more clearly the intention of the framers of the Amendment as to who is and who is not a citizen of the United States. We should exercise this purview by amending the Immigration and Naturalization Act. Should this be found to be unconstitutional, then and only then would a Constitutional amendment be necessary. However, until such time, it is clearly and completely within the authority of the Congress of the United States to further define the citizenship laws of our great country. □

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From the Stanford Law and Policy Review

Citizenship and the Babies of Non-Citizens

by Dan Stein and John Bauer

Three questions must be answered in order to determine whether children born on U.S. soil to illegal aliens should be granted automatic U.S. citizenship.

(1) We must analyze the intended meaning of the Fourteenth Amendment clause, "subject to the jurisdiction thereof."

(2) We must ask whether the government should continue to bestow automatic citizenship on children born on U.S. soil if born to illegal aliens.

(3) We must ask whether Congress has the legitimate power to legislatively alter the current interpretation of "subject to the jurisdiction" without resorting to a constitutional amendment.

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These questions are complex, and we cannot possibly provide an exhaustive analysis in these few pages.[1] However, it is our hope that our views will challenge those of others, and will counter-balance the common assumption that the status quo of granting automatic citizenship to children of illegal aliens has an indisputably correct legal mandate.

Introduction

The Fourteenth Amendment of the U.S. Constitution declares that" [A]ll Persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."[2] Mirroring this language, section 1401 of Title 8 of the U.S. Code reads, in part: "The following shall be nationals and citizens of the United States at birth: (a) a person born in the United States, and subject to the jurisdiction thereof...." The government currently interprets these clauses as granting full U.S. citizenship to children born to illegal aliens on U.S. soil. However, this view is rooted in a particular interpretation of "subject to the jurisdiction" — an interpretation that is open to debate.

The phrase "subject to the jurisdiction thereof" dates back to the close of the Civil War, when Congress sought to establish a uniform national rule for naturalization to defeat the political currents that might prevail in any one state. In particular, the language was designed to prevent states from depriving freed slaves and their descendants of U.S. citizenship. But the drafters of the Fourteenth Amendment could not have predicted the impact this language would have on immigration regulation in the modern era of burgeoning populations.

So, from a noble cause comes an unintended modern dilemma. In a world of approximately six billion persons, where more than sixteen million visitors, travelers, and illegal immigrants enter and leave the United States each year,[3] should the U.S. government continue to bestow automatic citizenship on children born in this country to alien parents residing here illegally? Professors Peter Schuck and Rogers Smith explored these ideas in their book, *Citizenship Without Consent: Illegal Aliens In The American Polity.*[4] They concluded that the drafters of the Fourteenth Amendment did not intend to eliminate the notion of consent from our

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understanding of citizenship.[5] Consequently, they argued, it would be permissible for Congress to legislatively exclude from automatic citizenship the children of illegal aliens, as it has the children of diplomats.[6] We agree with these conclusions. As we will show, the language of the Fourteenth Amendment does not dictate bestowing citizenship on children born to illegal aliens in the United States. Moreover, the Supreme Court has never expressly affirmed this policy,[7] and Congress does exclude some children born to noncitizens on U.S. soil from citizenship — those of foreign diplomats.[8]

Given that this issue of citizenship has not been directly addressed by the Court or by the Constitution, the question becomes: Does Congress have the power to legislatively narrow its interpretation of the Fourteenth Amendment to postulate that the children of illegal aliens do not acquire U.S. nationality, or would such a change require a constitutional amendment? In order to resolve this issue, it is helpful to trace the legislative and judicial development of citizenship and naturalization laws through our country's history.

Legislative History

During the colonial era, British common law and parliamentary enactments dictated the rules of crown loyalty and allegiance. In the famous 1608 decision of *Calvin's Case,* Lord Edward Coke declared that one "cannot be a subject to the King of England, unless at the time of his birth he was under the ligeance [sic] and obedience of the King."[9] (It was probably one of the only times he ever sided with the King.) This definition implies a mutuality of consent: the subject owed a duty of loyalty and obedience to the King, and the King owed a duty of protection to the subject.[10] Colonial legislatures abided by these rules and established similar ones as prerequisites to participation in colonial political life.[11]

"...the language of the Fourteenth Amendment does not dictate bestowing citizenship on children born to illegal aliens in the U.S."

Lord Coke also explicitly addressed the issue of aliens temporarily present in England: "[W]henever an alien that is in amity cometh into England ... he is within the King's protection; therefore so long as he is here, he oweth unto the King a local obedience or ligence [sic]...."[12] Under Coke's reasoning, "aliens in amity" with the King could pass subjectship to the child, because temporary obedience to the throne is "yet strong enough to make a natural subject."[13] Coke also noted, however, that under common law, one who is born within the lands of the sovereign, but not subject to the jurisdiction of the sovereignty — as the child of a diplomat, as part of a hostile invading army, or perhaps as a person present without permission — is not recognized as a citizen of that nation.[14] Applying this reasoning to the question under discussion, we can reasonably conclude that although an alien illegally present in the United States may not be hostile per se, she cannot be viewed as an "alien in amity." There is no consent, no mutuality of obligation, no submission to the loyalty and obedience of the sovereignty — in short, no legal relationship between the alien and the sovereign. Without a legal relationship between an alien parent and the host country, it would be illogical to find or imply the existence of such a relationship between the parent's offspring and the host country.

After the Revolutionary War, U.S. citizenship was offered to those in the liberated colonies who sided with the revolutionaries. In 1783, the Paris Peace Treaty established an adherence test, requiring that "those who adhered to England remained British subjects, and those who adhered to the cause of separation, liberty, and independence were to be considered citizens of the United States."[15] Thus, from this country's inception, allegiance and citizenship were linked in a way that implied a mutuality of obligation between citizen and state.

The Articles of Confederation (1781-89) provided that each state would retain exclusive

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jurisdiction to determine the requirements for U.S. citizenship.[16] Thus, states were largely free to fashion their own citizenship and naturalization laws. Not only did Congress relinquish control over immigration and naturalization, but the Constitution also provided scant guidance to the states. While it authorized Congress to "establish a uniform Rule of Naturalization," it provided no indication of what the content of a legitimate federal rule would be. Moreover, the Constitution discusses migration in only one section,[17] where it allows the states continued powers to admit persons and import slaves without federal interference until 1808 (after which Congress could — but was not required to — restrain such importation).

Despite this lack of federal involvement, in 1790 Congress did pass the first federal naturalization statute, which established a uniform residency rule of two years for all "free white persons."[18] This statute maintained the mutuality of consent structure from earlier times by providing that only the children of native born or naturalized citizens were considered citizens at birth. Furthermore, while children born to U.S. citizens overseas would be U.S. citizens, the right of citizenship could not descend to persons whose fathers had "never been resident in the United States."[19] Statutes enacted between 1790 and the Civil War varied the length of time required for naturalization, but little else.[20] All required that someone in the ancestral line had been formally accepted as a U.S. citizen.

Until the post-Civil War amendments, states effectively controlled their own naturalization and residency requirements through property and health, safety, and welfare laws.[21] States also had the all-important say in defining who could be a natural-born state citizen. Prior to the Civil War, power over immigration received minimal federal attention because the primary national imperatives were to populate the continent and strengthen the nation. The only major federal immigration statute was the short-lived Aliens Act of 1798,[22] which was repealed only five years later.

The Reconstruction Congress sought to remedy the problems created by leaving basic citizenship issues in the hands of the states. The Civil Rights Act of 1866 and the Fourteenth Amendment, ratified in 1868, created formal definitions of citizenship for native-born persons. The Civil Rights Act provided that "[a]ll persons born in the United States and not subject to any foreign power, excluding Indians not taxed" were to be considered U.S. citizens.[23] The Fourteenth Amendment altered the definition slightly (substituting "subject to the jurisdiction [of the United States]," for "not subject to any foreign power"), but firmly established the rule that states do not have the power to ban any class of persons from U.S. citizenship.

In establishing this first complete articulation of native-born citizenship, did the drafters of the Fourteenth Amendment intend to eliminate the mutuality of consent in citizenship grants or defeat the operation of intersecting federal immigration laws? How is the phrase "subject to the jurisdiction" to be interpreted while simultaneously giving due regard to the dictates of federal immigration laws? If an alien under diplomatic immunity has been defined by Congress as not subject to U.S. jurisdiction, why would an illegal alien be so subject? Was the Fourteenth Amendment designed to eliminate any requirement that an alien be lawfully in the country at the time she gives birth to the child? Did it eliminate the need for government consent to the presence of the alien in its sovereign territory?

We argue that the concepts of consent and mutual obligation are essential to the interpretation of the phrase "subject to the jurisdiction thereof." Common law understandings of citizenship relied upon mutual consent between the citizen and the sovereign. The duties of the sovereign to provide protection for the populace against a variety of evils were predicated upon the willingness of the citizen to pledge loyalty and to undertake political obligations to the state. As noted above, at no time in legislative history has the U.S. government expressed its intent to abandon the notion of consent as an essential aspect of citizenship.

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Judicial History

For issues as large and important as immigration and naturalization, judicial guidance has been sadly lacking. What guidance the courts have provided has been unclear at best and contradictory at worst. The first major judicial interpretation of the Fourteenth Amendment's "subject to the jurisdiction" clause bears out this failure. Justice Miller, in delivering the opinion in the *Slaughter-House Cases,* affirmed the avowed purpose of the Fourteenth Amendment to confer citizenship upon African Americans and to expressly overturn the *Dred Scott* ruling.[24]

He noted that the phrase "subject to the jurisdiction thereof" was "intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States."[25] The *Slaughter-House Cases* thus excluded not only foreign diplomats from those subject to U.S. jurisdiction, but also aliens generally. The Court restated this view in the 1874 case *Minor v. Happersett,* noting that the Constitution confers citizenship either through birth within the United States or through naturalization: "[I]t was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also."[26] The Court also specifically noted a distinction between the children of citizens and the children of aliens "or foreigners."[27] These opinions demonstrate the Court's unwillingness to disturb the federal alien-naturalization framework that had governed since the inception of the Union.

Following *Minor,* the Court elaborated on the definition of the term "citizen" in *United States v. Cruikshank.*[28] The Court described citizens as persons who "have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights."[29] Unlike other persons, a citizen is one who has actively submitted to the jurisdiction of the United States. Under this definition, temporary submission by an alien lacks the permanence and promise of allegiance inherent in a complete surrender to jurisdiction. Read together, *Cruikshank* and *Minor* illustrate the Court's willingness to allow the exclusion of children born to alien parents on U.S. soil from the operation of the Fourteenth Amendment's citizenship clause. Those who submitted only temporarily to the jurisdiction and protection of the U.S. government were not included within the parameters of this conception of citizenship, and the Citizenship Clause did not cover their children.

"Justice Miller ... affirmed the avowed purpose of the 14th Amendment was to ... overturn the Dred Scott ruling."

Another early case to discuss the meaning of "subject to the jurisdiction thereof," *Elk v. Wilkins,*[30] concerned a Native American born within U.S. federal territory under the jurisdiction of his tribe. After leaving his tribe for society at large, John Elk claimed he had been born within the United States, "had severed his tribal relation to the Indian tribes, and had fully and completely surrendered himself to the jurisdiction of the United States."[31] He posited the immediate right to be recognized as a U.S. citizen. The court disagreed.

Justice Gray's majority opinion interpreted "subject to the jurisdiction" to mean complete subjection to U.S. political jurisdiction, which requires "direct and immediate allegiance" to the country.[32] The Court reasoned that, absent evidence that his parents had submitted themselves to U.S. jurisdiction, Elk's birth on tribal lands precluded his complete subjection to the jurisdiction of the United States. The Court also held that Elk could not become a citizen without the formal consent of the United States: "To be a citizen of the United States is a political privilege which no one, not born to, can assume without its consent in some form."[33] Mutuality of consent was thus deemed an essential element of citizenship. Since Elk did not acquire citizenship at birth, the Court found that his only means of attaining it would be the

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formal processes dictated by treaty or naturalization law.

In *United States v. Wong Kim Ark*,[34] the Supreme Court addressed the question of whether lawfully resident aliens, themselves ineligible for citizenship, could pass U.S. citizenship on to their children. Wong Kim Ark was born in San Francisco while his parents were lawfully domiciled there. Under the Chinese Exclusion Acts of the 1880s, his parents were ineligible for U.S. citizenship. The Court upheld Wong Kim Ark's citizenship and held generally that the children of non-diplomatic alien parents lawfully resident within the United States become U.S. citizens at birth.

The Court interpreted the Fourteenth Amendment to bestow automatic citizenship upon children born within the allegiance and protection of the United States, "including all children here born of resident aliens."[35] The Court also recognized the common law exceptions to the automatic birthright rule, which denied citizenship to children born of diplomats, hostile invaders, and parents swearing allegiance to an Indian tribe. The Court based its decision to grant Wong Kim Ark citizenship upon two findings: His parents had submitted themselves to the jurisdiction of the United States, and the United States had *willingly* accepted and consented to their residence in the country. The Court ruled that since Wong Kim Ark's parents legally resided in the United States and operated a business here, they were effectively "within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States."[36] Thus, the United States consented to their lawful presence on its soil, and the Fourteenth Amendment's conferral of citizenship extended to Wong Kim Ark.

Wong Kim Ark's parents were lawfully resident aliens, and thus, for our purposes we can assume generally that children of lawfully resident aliens are considered subject to the jurisdiction of the United States when they are born. But what about those whose parents have never presented themselves for admission to the United States, or to whose presence the United States has never formally consented? Since *Wong Kim Ark*, the Supreme Court has offered little guidance on this question. But today, with the children of illegal aliens accounting for more than sixty-five percent of the births in Los Angeles public hospitals,[37] and with an estimated illegal alien population in the United States of over five million,[38] the question takes on increasingly significant political dimensions.

Conclusion

The key to resolving the applicability of the Fourteenth Amendment's Citizenship Clause to children born on U.S. soil to illegal alien parents lies in the ability and willingness of Congress to define the meaning of "subject to the jurisdiction" in Title 8 of the U.S. Code. Relying on the original purposes of the Amendment and its historical interpretation, Congress could legislatively define or classify the children of illegal aliens, as it has the offspring of diplomats, as not subject to U.S. jurisdiction. Where so recognized by the law of the mother's nation of origin, children would take the nationality of the mother until they were eligible to apply for U.S. citizenship, upon completion of permanent lawful residency for a prescribed number of years. The minor child would also become a U.S. citizen if the mother herself later naturalized. Because the Supreme Court has not addressed this issue directly, it would be entirely appropriate and desirable for Congress to first test the constitutionality of such a legislative definition before resorting to a constitutional amendment.

Currently, there are several bills pending in Congress that proffer such a definition. The Citizenship Reform Act of 1995[39] would deny citizenship to children whose parents are not citizens or permanent resident aliens. Another bill would restrict citizenship to children with at least one parent who is a citizen or legal resident.[40] Yet another would limit citizenship to those with a citizen or legal resident mother.[41] Enacting these bills into law would be consistent with both legislative and judicial history. Moreover, with our country's population explosion and our limited resources already tremendously strained, restricting the conferral of U.S. citizenship would be practically, financially, and politically desirable. □

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Which Countries Grant Birthright Citizenship?

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COUNTRY	BIRTH*		NOTES
Algeria		No	Father must be Algerian or stateless
Argentina	Yes		
Australia		No	Children of legal immigrants born in Australia are citizens
Belgium		No	One parent must be a citizen of Belgium
Brazil	Yes		
Cameroon	Yes		
Canada	Yes		Children born to foreign parents after Feb. 1977 are citizens at birth
Colombia		No	One parent must be a legal resident
Czech Repub.		No	One parent must be a citizen of Czech Republic
Egypt		No	Father must be an Egyptian citizen
France		No	Child of foreign-born parents must apply, be approved for citizenship
Germany		No	Those born in Germany acquire the citizenship status of their mother
India	Yes		
Israel		No	If Jewish, a child is automatically a citizen; otherwise, must be the child of an Israeli National to be a citizen
Italy		No	One parent must be Italian
Jamaica	Yes		
Japan		No	One parent must be a citizen of Japan
Kenya		No	One parent must be a citizen of Kenya
Kuwait		No	Father must be a citizen of Kuwait
Mexico	Yes		
New Zealand	Yes		
Nigeria		No	One parent must be a Nigerian citizen
Norway		No	One parent must be Norwegian
Pakistan	Yes		
Philippines		No	One parent must be a citizen of the Philippines
Poland		No	One parent must be Polish
Rep. of Korea		No	One parent must be a citizen of Korea
Saudi Arabia		No	Father must be a citizen (child is added on the father's passport)
Spain	Yes		However, the child needs one year of residence to become a citizen if the parents are foreigners
Sweden		No	If mother is Swedish, the child acquires citizenship at birth; if parents are resident aliens, children acquire the citizenship of their parents
Switzerland		No	If child was born before June 1, 1985, the father must be Swiss for the child to be a Swiss citizen; if the child is born after June 1, 1985, the child will be a Swiss citizen if either parent is Swiss
Syria		No	One parent must be a citizen of Syria
Taiwan		No	One parent must be a citizen of Taiwan
Turkey		No	One parent must be a citizen of Turkey
United Kingdom		No	One parent must be a citizen or a legal resident of the UK for the child to be a
United States	Yes		
Venezuela	Yes		
Zaire		No	Mother must be a citizen of Zaire

*"Birth" refers only to whether or not a person is guaranteed citizenship simply by being born in that country. However, excluded from consideration are the children of diplomats, or other persons on official government business in a foreign country.

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Not a Birthright

No citizenship for the children of non-citizens

by William F. Chip

The Republican Party's platform for the 1996 presidential campaign urges legislation or a constitutional amendment that would withhold automatic U.S. citizenship from the American-born children of illegal aliens. This plank has drawn the attention of those on the lookout for fresh signs of Republican mean-spiritedness. In an August 8 editorial, for example, *The [Washington] Post* variously characterizes the citizenship plank as "destructive," "vindictive," and a "new low" in "immigrant bashing."

Much of the negative commentary on the citizenship plank is laced with misinformation. The headline of *The Post*'s editorial, "Children Without a Country," erroneously implies that withholding birthright citizenship would turn the children of illegal aliens into stateless vagabonds. Yet, Mexico and nearly all other countries routinely grant citizenship to the foreign-born offspring of their citizens. The issue for most American-born offspring of noncitizens is not statelessness but whether they are entitled to U.S. citizenship in addition to the citizenship of their parents.

Equally misunderstood are attempts to cast the citizenship plank as an assault on the 14th Amendment to the Constitution. The August 8 editorial erred when asserting that "every individual" born within our borders since adoption of the 14th Amendment has enjoyed birthright citizenship. The 14th Amendment confers birthright citizenship only on persons born, "subject to the jurisdiction of the United States."

"The 14th Amendment confers birthright citizenship only on persons born, 'subject to the jurisdiction of the United States.'"

The phrase "subject to the jurisdiction" was authored by Senator Lyman Trumbull of Illinois, who also had written the first postbellum legislation enfranchising emancipated slaves. When asked to explain these words during congressional debate on the 14th Amendment, Trumbull answered that the "jurisdiction" he had in mind was a United States claim to the American-born person's "complete" allegiance. The senator argued that enfranchisement of the otherwise stateless former slaves was a moral imperative, but that it would be wrong to presume or impose a duty of allegiance on the children of American Indians and foreign diplomats, since the children would owe competing allegiance to an Indian tribe or a foreign nation notwithstanding their birth in the United States.

That the 14th Amendment did not extend birthright citizenship to the children of tribal Indians was confirmed by the Supreme Court in *Elk v. Wilkins* (1884). After *Wilkins* there remained the question of how any child of noncitizen immigrants could be born a United States citizen in light of the parents' country's potential claim of allegiance. That question was answered in *United States v. Wong Kim Ark*, in which the court held that the 14th Amendment conferred birthright citizenship on the children of noncitizen parents who had taken up lawful and

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Language and Airline Safety

[*In an article about airline safety and the training of mechanics,* Business Week *had this to say about the use of the English language...*]

There seem to be abuses at every stage. The most basic requirement for U.S. mechanics is the ability to read, write and understand English. But a continuing National Transportation Safety Board (NTSB) investigation of the fatal Valujet crash revealed that several of the Spanish-speaking mechanics who worked at SabreTech, a repair facility in Miami that did maintenance work for Valujet, allegedly lacked sufficient English. This would mean that they could not understand the repair manuals for fixing planes, which are published only in English for most aircraft in the U.S.

"It's a matter we intend to bring up with the FAA," says Bernard Loeb, director of the office of aviation safety at the NTSB. Valujet referred all questions in the matter to Sabretech. The company's lawyer Kenneth P. Quinn answers that he is "not aware of any of our licensed A&P mechanics who can't read, write and understand English."

How is it possible for someone with scanty knowledge of English to get an A&P license in the U.S., if FAA rules forbid it? "Easy," says an FAA flight safety inspector in South Florida, where the SabreTech facility is located. "You bullshit your way through the FAA's 'rigid' licensing procedures. It happens all the time." Furthermore, he says that the inspectors were discouraged by FAA management from reporting problems they encountered with testing procedures, a view that was corroborated by six other FAA inspectors. The FAA says the English requirements for A&P certification are very specific, but it would not comment on SabreTech because of the current investigation into the Valujet crash.

— *Business Week,* September 9, 1996, p.88

permanent residence in the United States. Although a century has passed since *Wong Kim Ark*, the court's holding has never been extended to the children of noncitizens whose U.S. residence is limited or prohibited by law.

There is no plausible basis for presuming that the offspring of illegal aliens, tourists, exchange students and other temporary visitors in the United States have or ought to have a greater allegiance to the United States than to their parents' countries. Most illegal aliens come here for temporary economic advantage, not to alter their political identity. When thousands of them marched to protest California's Proposition 187, they carried the flag of Mexico, not the Stars and Stripes.

When Senator Trumbull and his colleagues regarded U.S. citizenship as a mixed bag of privileges and duties, modern civil libertarians are inclined to focus on the privileges. When only privileges are considered, withholding birthright citizenship from an American-born child is readily portrayed as the political equivalent of taking candy from a baby. However, a blanket grant of citizenship without regard to the parents' immigration status loses some of its humanitarian luster when one considers, as Trumbull did, that a birthright citizen is subject to U.S. income taxes and military conscription for the rest of his life.

The impulse to confer automatic citizenship on the American-born children of illegal aliens, like the impulse to allow their foreign-born children to enroll in United States public schools, springs from the faulty premise that illegal alien families are here to stay and that all of us will therefore suffer if the children grow up uneducated and without political rights. However, illegal aliens love their families as much as we love ours; if they could not enroll their kids in public schools, the overwhelming majority would not set up United States households in the first place.

The truth is that most illegal aliens are not innate lawbreakers, but they will not respect laws that we ourselves do not respect. If we establish clear rules and show that we will not merely pretend to enforce them, the problem of illegal immigration will start to solve itself. □

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Two Yale professors argue against the concept of...

Citizenship Without Consent

by Peter Schuck and Rogers Smith

Introduction by Wayne Lutton

To many Americans, it has long seemed irrational to award automatic citizenship to children born of parents who are in the United States in direct and knowing violation of laws intended to keep them out. In a book first published in 1985, Yale professors Peter Schuck and Rogers Smith argue that the offspring of illegal aliens are not entitled to birthright citizenship.

Schuck and Smith trace the history of the United States concept of citizenship back to its English Common Law antecedents. They identify two strands of thought and practice on citizenship: one based on ascriptive principles that support a birthright standard, and another based on the consent of both the potential citizen and the community into which s/he hopes to become a member. The authors conclude that while the two strands have coexisted in the past, the time has come to move toward a more consistent legal standard based on the consensualist viewpoint.

Now that the "citizen-child" loophole has emerged as a public policy issue, the arguments raised by Professors Schuck and Smith deserve a serious hearing.

In this article adapted from their book, following a description of citizenship as subjectship under a monarchy, the authors point to the work of John Locke in his Two Treatises on Government *and indicate that "historian James Kettner views Locke as the theorist who best exemplified the transition from ascriptive subjectship to consensual citizenship."*

Locke's familiar doctrine of government by consent, with its attendant right of revolution, was based on his radically new view of the relationship of children to their parents and to the polity — a view that stemmed in turn from a thoroughgoing rejection of the medieval portrait of society as a natural, organic hierarchy. To Locke, the most fundamental fact about children was that they were creatures of God, intended to occupy that equal and independent status that is the natural condition of mature, rational beings. This fact, for Locke, defined the limited nature of parental and political authority. Locke agreed that the family was a natural social unit and that parents properly possessed some dominion over their offspring during minority. He maintained, however, that this authority rightfully belonged to both parents, not simply to the patriarchal father. And he insisted, even more vehemently, that parents possessed only limited, tutelary authority over their children, and possessed this authority only while the latter remained incapable of rational self-governance.

The state also possessed a limited jurisdiction over children, for its duties stemmed not only from the consensual will of its citizens. It also had to conform to the obligations imposed by the natural human rights that Locke held to be the inviolable and inalienable endowment of all persons. As an authorized executor of the law of nature, the state thus had to protect the child's right to life, property, and education should the parents arbitrarily violate their duties to the child. A child, however, could not be a

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government's subject because subjectship must be based on the tacit or explicit consent of an individual who had reached the age of rational discretion. Locke insisted: "*A Child is born a subject of no Country and Government.* He is under his Father's Tuition and Authority, till he come to Age of Discretion; and then he is a Freeman, at liberty what Government he will put himself under; what body politick he will unite himself to."

Locke reveals most of the attractions and limits of the consent principle. Its attractions are considerable: indeed, leading contemporary writers on citizenship and international law insist even more strongly than Lockean Enlightenment and public law writers did that only consent is an appropriate basis for political membership. Consensualism encourages genuine personal commitment and development, permitting affirmation of one's values through voluntary affiliation with others. At the same time, as the political philosopher Michael Walzer has argued, permitting a democratic community the power to shape its own destiny by granting or refusing its consent to new members is essential if the community is to be able to protect its interests, maintain harmony, and achieve a unifying sense of shared values. When it is combined with liberalism's stress on universally held natural rights, moreover, the consent principle recognizes the aspirations and dignity of all humanity, for it urges a world in which all will be linked politically only by bonds of mutual agreement. Because these values of personal autonomy and communal self-definition are so widely shared in American society today, a morally credible doctrine of civic membership must give central importance to membership based on actual, mutual consent.

"... permitting a democratic community the power to shape its own destiny by granting or refusing its consent to new members is essential..."

But like ascription, consent also poses serious problems. Although some of these problems can be resolved or minimized without great difficulty, others are more troubling. First, of course, there is a problem of proof. Especially after the fact, it will often be hard to determine who has and has not consented to membership in a particular regime, expressly or tacitly. Second, there is a problem of unjust exclusion. As most liberals have accepted, consent to membership must be mutual, expressed by the existing community as well as by the individual. Otherwise, existing members will be coerced and their free choices nullified. But this requirement might imply that a society could deny outsiders opportunities for membership in ways that are harshly restrictive or discriminatory. It might also mean that a society could freely denationalize citizens against their will, reducing their security and status, perhaps even leaving them stateless. In both these instances, adherence to consent may well violate liberalism's other deep commitment to insuring that the basic human rights of all be secured as fully as possible. As noted above, the tension between government by consent and full protection of inalienable rights, visible in liberal theory almost from its inception, is dramatically evident if a democratic government denies all obligation to those who are compelled to turn to it but who are not admitted to be its citizens.

The difficulty points in turn to a third, related problem. The notion of consent is far from being a self-defining concept. It necessarily requires assumptions about several highly controversial questions, such as the scope of free will, the nature of informed choice, and the availability of alternatives. By relying upon notions such as tacit agreement, it may even smuggle in elements of ascription. In the context of consensual citizenship, moreover, the requirement of mutuality may seem to render individual consent hollow in practice because those to whom a state refuses consent may have no practical option to go elsewhere. Persons faced with a choice of only limited, exceedingly harsh alternatives

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may be more aptly described as compelled than free to choose. More generally, no clear, unproblematic boundary exists between the realms of consent and coercion.

Fourth, there is a problem of unlimited expatriation. The consensual principle in its purest form is literally anarchical, jeopardizing all memberships and allegiances. Although some liberals insist that rational individuals can recognize the imprudence of promoting social instability, political societies probably could not survive if their citizens felt free to renounce their memberships unilaterally whenever it seemed convenient to do so. A fifth and related problem of pure consensualism is its narrow, desiccated rationalism. By limiting moral obligations only to those incurred by rational choice, it denies the validity of widespread beliefs that individuals owe something to their family, community, state, and other social groups, and that these groups owe something to their members. The reality of these affective attachments calls into question the adequacy of basing obligation on rational consent alone.

Both the ascriptive and consent principles are thus attractive and problematic in their pure forms. It is tempting, then, to think that the best features of each can be integrated into a coherent law of citizenship without sacrificing some values that we cherish. Doubtless, that hope explains why American law has combined the two and has varied the mix of ascriptive and consensual elements especially of birthright citizenship and the right of expatriation — over time. But American law has never adequately reconciled these elements; no combination of consent or ascription that is either theoretically satisfying or practically efficacious, especially in light of current conditions, has yet been achieved. For example, two recent and somewhat related developments have begun to place far greater strain on the ideological compromises between ascription and consent in America's citizenship law. The massive increase in illegal migration to the United States and the equally dramatic rise of the welfare state have transformed perhaps the greatest advantage of birthright citizenship from a modern liberal viewpoint — its automatic inclusiveness — into something of a disadvantage. By underscoring the growing practical importance of consent as the chief constitutive political principle of a liberal society, these developments invite us to reconsider birthright citizenship on legal and policy as well as philosophical grounds. They lead us to reject the traditional rule and to propose a more consensualist law of citizenship in which ascribed status at birth plays a correspondingly reduced role.

When the framers of the 14th Amendment's Citizenship Clause adopted (in a significantly compromised form) the common-law rule of birthright citizenship, immigration to the United States was entirely unregulated. In 1980, the number of illegal aliens in the United States was conservatively estimated at between three and a half to six million, with the number increasing by two hundred thousand annually. Approximately two million of these people will eventually receive legal status under the 1986 amnesty law, but many others did not qualify or have arrived in the years since 1982, the amnesty cutoff date.

"The massive increase in illegal migration to the United States and the equally dramatic rise of the welfare state have transformed... automatic inclusiveness into something of a disadvantage."

If mutual consent is the irreducible condition of membership in the American polity, questions arise about a practice that extends birthright citizenship to the native-born children of such illegal aliens. The parents of such children are, by definition, individuals whose presence within the jurisdiction of the United States is prohibited by law and to whom the society has explicitly and self-consciously decided to deny membership. And if the society

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has refused to consent to their membership, it can hardly be said to have consented to that of their children who happen to be born while their parents are here in violation of American law.

"The number of births in the U.S. to illegal alien parents is not trivial..."

The present guarantee under American law of *automatic* birthright citizenship to the children of illegal aliens can operate, at the margin, as one more incentive to illegal immigration and violation by non-immigrant (temporary visitor) aliens already here of their time-limited visa restrictions. When this attraction is combined with the powerful lure of the expanded entitlements conferred upon citizen children and their families by the modern welfare state, the total incentive effect of birthright citizenship may well become significant. In addition to anecdotal evidence that many aliens do cross the border illegally to assure United States citizenship for their soon-to-be-born children, a recent study illuminates two features of this phenomenon. First, the number of births in the United States to illegal alien parents is not trivial — a conservative estimate places the number as in excess of seventy-five thousand each year. Second, these births — and the public costs that they entail — are disproportionately concentrated in a relatively few urban areas.

Congress has the power to respond to this infringement of consensualism if it so desires. Although the Citizenship Clause of the 14th Amendment has been assumed to guarantee birthright citizenship to such children *ex proprio vigore*, the question of the citizenship status of the native-born children of illegal aliens never arose during its adoption for the simple reason that no illegal aliens existed at that time, or indeed for some time thereafter.

The debates also establish that the framers of the Citizenship Clause had no intention of establishing a universal rule of birthright citizenship. To be sure, they intended to do more than simply extend citizenship to native-born blacks by overruling the reasoning and result in *Dred Scott*. But they also intended, through the clause's jurisdiction requirement, to limit the scope of birthright citizenship. The essential limiting principle, discernible from the debates (especially those concerned with the citizenship status of Native Americans) was consensualist in nature. Citizenship, as qualified by this principle, was not satisfied by mere birth on the soil or by naked governmental power or legal jurisdiction over the individual. Citizenship required in addition the existence of conditions indicating mutual consent to political membership.

Our interpretation certainly does not imply that children of illegal aliens are not entitled to any constitutional protection. Indeed, those children (and perhaps their parents as well) may have legitimate moral or humanitarian claims upon American society. We may be said to have incurred moral obligations to illegal aliens by encouraging them to migrate here, by enriching ourselves through their labor, by absorbing them into our communities, by inviting legitimate expectations of humane treatment, and by other behavior. But even if moral obligations to illegal aliens exist and are compelling, they by no means imply *birthright entitlement* to American citizenship. Again, that does not mean that policy toward illegal aliens is morally unconstrained. For children who have already been born here of illegal alien parents, for example, a retroactive change in the law depriving them of their citizenship status would violate important expectation and reliance interests and create great confusion and uncertainty.

But these concessions to prudence, fairness, and humanitarianism should not be taken to deny to the American community the essence of a consensual political identity — the power and obligation to seek to define its own boundaries and enforce them. If Congress should conclude that the prospective denial of birthright citizenship to the children of illegal aliens would be a valuable adjunct of such national self-definition, the Constitution should not be interpreted in a way that impedes that effort.

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Citizenship status is not necessary to afford illegal aliens and their children at least minimal legal protection and public benefits. They do and should possess certain rights by reason of their presence within the United States. Protection against any risk of statelessness can be assured by statute. Thus, the Constitution need not and should not be woodenly interpreted either to guarantee their children citizenship or to cast them into outer darkness.

In the end, the question of birthright citizenship for the children of illegal and nonimmigrant aliens should be resolved in the light of broader ideals of constitutional meaning, social morality, and political community. These ideas militate against *constitutionally* ascribed birthright citizenship in these circumstances. Beyond the issue of the Citizenship Clause's intent, it is morally questionable to reward lawbreaking by conferring the valued status of citizenship, and it is even more questionable to plant that guarantee in the Constitution. This is true even though some of the lawbreakers are individuals whose ambition, resourcefulness, and family values most Americans would admire. Those characteristics might lead Congress to confer citizenship broadly and easily, but as a matter of informed choice, not constitutional inadvertence.

Three basic steps are required to achieve a law of citizenship at birth that is theoretically consistent, practical for addressing current policy problems, and consonant with the nation's fundamental claim that its government rests on the consent of the governed. The first step requires a reinterpretation of the Citizenship Clause of the 14th Amendment. Its guarantee of citizenship to those born "subject to the jurisdiction" of the United States should be read to embody the principle of consensual membership, and therefore to refer *only* to children of those *legally* admitted to permanent residence in the American community — that is, citizens and legal resident aliens.

"Even the citizenship law of the United Kingdom [on which ours is based] does not extend it to the children of either illegal aliens or temporary resident aliens. The same is true of other Western European countries."

On our consensualist reading, those born "subject to the jurisdiction" of the United States would be citizens at birth *provisionally,* in the sense that they would have the opportunity upon attaining majority to renounce that citizenship if they so desired. At no time, however, would they be vulnerable to any denial of consent to their membership on the part of the state. Native-born children of legal resident aliens would also be provisional citizens at birth and during their minority and would enjoy the same right to expatriation. Citizenship at birth would not be guaranteed to the native-born children of those persons — illegal aliens and "nonimmigrant" aliens — who have never received the nation's consent to their permanent residence. Even the citizenship law of the United Kingdom, for whose antecedents our common-law citizenship was originally derived, and which continues to adhere to the birthright citizenship principle, does not extend it to the native-born children of either illegal aliens or temporary resident aliens. The same is true of other Western European countries. Since the proposed doctrine would require a reinterpretation of the Citizenship Clause, the change should be made prospectively, assuring citizenship to those born in the United States while the current understanding has been in effect.

Congress, which bears the ultimate responsibility for fashioning the structure of our immigration policy, would also decide the role of the birthright citizenship for the children of illegal and nonimmigrant aliens. That decision is obviously only a small piece of immigration policy. Congress must carefully weigh the moral claims of these children to membership relative to the claims of other groups, assessing the likely effects on illegal immigration of eliminating their present guarantee of

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citizenship, and considering how such a change should relate to the more comprehensive, systematic measures for reducing illegal immigration. We are genuinely uncertain about how such an evaluation would or should come out. It is an issue on which reasonable people can differ.

"Nondiscrimination does not necessarily imply the same rights and benefits that citizenship or legal residence status confers."

The second step necessary to realize a consistent, consensual law of citizenship at birth is to render the right of expatriation more meaningful. We propose that a formal procedure be established and publicized under which any citizen, at the age of majority, may expatriate himself (preserving citizens' rights to do so subsequently as well). Despite recurring calls for legislation fully prescribing formal expatriation procedures, there is no legislated procedure for expatriating oneself within the United States under normal circumstances. As a result, few know that an expatriation right exists, and it is procedurally difficult to exercise. In that sense, citizenship is more ascribed than consensual.

We would not only permit native-born citizens to seek another nationality, but would also guarantee them permanent residence in the United States if they wished it. Our proposal would thus retain the asymmetry, created by Supreme Court rulings, between affirming the individual's right to self-expatriation, while denying the nation's power to denationalize those who are already members. Although a thoroughgoing commitment to pure consensual membership might seem to imply a national power to denationalize citizens at will, the existence of such a power might threaten the vigorous exercise of basic constitutional freedoms, such as First Amendment political rights, or might create a condition of involuntary statelessness and thus of acute human vulnerability.

In our book, we consider a number of objections to our proposal to reinterpret the constitutional guarantee of birthright citizenship. The most troubling objective is that our position does little to address the problem of the influx and status of illegal aliens. Indeed, by eliminating constitutionally mandated birthright citizenship for their native-born children, the proposal could (depending upon the magnitude of its countervailing disincentives to illegal migration) actually increase the number of individuals in illegal status. In this view, the current birthright citizenship rule has at least one virtue that our proposal lacks. It recognizes that in fact (due largely to ineffective immigration enforcement) many native-born children of illegal aliens, along with their parents, will manage to remain here indefinitely. Denying birthright citizenship to those children would add one more obstacle and disadvantage, one more source of stigma and discrimination, to those they must endure as they continue living in American society, as many will be able to do. This dilemma is compounded by the fact that these children's life prospects would be clouded by the action of others over whom they have no control! — in this case, the illegal entry of their parents. Better (defenders of the current rule might argue) to eliminate their cruel disability at the moment of birth than to maintain it thereafter.

Although appealing, this argument from life prospects is ultimately unpersuasive. Our proposal to make one's national status turn, at least provisionally, on the national status of one's parents seems more morally acceptable and less determinative of one's life prospects than many other contingent factors — such as inherited wealth, upbringing, or genetic endowment — that are far more likely to shape those prospects in fundamental ways. Indeed, our proposal seems less arbitrary in terms of life prospects than the fundamental concept of birthright citizenship itself, which bases national status wholly upon the accident of geographical location at birth. And even if the innocence of the child and allied concern for his life prospects are accepted as morally or legally relevant, it does not follow that *citizenship,* as

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distinguished from mere nondiscrimination, should be the prize for that innocence. Nondiscrimination does not necessarily imply the same rights and benefits that citizenship or legal residence status confers. These children and their parents, by being denied birthright citizenship, would not be treated as the *Dred Scott* decision treated blacks; they would not be denied the law's protection. They would instead be required to choose among continuing to live in illegal status, with more limited equal protection and due rights; seeking to obtain legal status; or returning to their home countries.

Our proposed interpretation would, moreover, produce at least one benefit. The government of a more truly consensual polity could more truthfully proclaim to citizens, resident aliens, and illegal aliens alike that American citizenship stands on a firm foundation of freely willed membership. It could more credibly claim the contemporaneous allegiance and, if necessary, the personal sacrifice of its citizens than it was able to do during the Vietnam War and other corrosive national conflicts. It could more persuasively invoke what it now can only baldly assert — a legitimacy grounded in a fresh, vital, and always revocable consent. □

[*Editor's note: A communication from Rogers Smith dated August 22, 1996 states: "Schuck and I have never endorsed actually denying birthright citizenship to children of illegal aliens. We have simply suggested that the Constitution is most coherently read as permitting Congress to decide that question."*]

Still available in print:
Citizenship Without Consent: Illegal Aliens in the American Polity
by Peter H. Schuck
and Rogers M. Smith
New Haven: Yale University Press
173 pp., $13.50 pb.

Water may cause wars as growth hits cities

BEIJING — Water shortages created by the world's rocketing population and extravagant use could spark wars in the 21st century, the United Nations warned at a conference.

"Increasing concern [is] being voiced that the next century may be scarred by wars over water, even as this century has been devastated by wars over oil," Wally N'Dow, secretary-general of Habitat II, the UN Center for Human Settlements, said in a statement.

He called for water conventions to prevent future conflicts, warning that there was real cause for anxiety because many of the world's largest rivers flow across international borders.

"In the scramble for water, some of the drier countries of the world have already threatened water-rich nations," he said in a speech to the International Conference on Managing Water Resources for Large Cities and Towns.

But the high cost of implementing reforms often conflicts with the immediate interests of economic development, leaving governments and business reluctant to adopt water preservation measures, officials said.

Water already is scarce in many parts of the world, a problem exacerbated by the flow of population to urban centers, often in areas with scant water supplies, N'Dow said.

In the developing world, more than one billion people lack clean drinking water and 1.7 billion lack access to adequate sanitation facilities, UN statistics show.

Dirty water causes 80 percent of diseases in the developing world and kills ten million people a year.

Shortages are exacerbated by carelessness, with up to 60 percent of potable water in developing countries lost through leakage, UN statistics show. That figure is 12 percent in countries such as Britain and the U.S.

The earth's limited supply of fresh, clean water is further depleted by the pollution that industry spews out, N'Dow said.

About 95 percent of waste in developing countries — including most of the two million tons of human excrement produced daily and all toxic and hazardous by-products of industrial production — is discarded untreated, polluting soil, rivers, and aquifers, UN figures show.

The conference passed on its conclusions to the Habitat II City Summit held in Istanbul in June addressing the issue of urbanization and its enviromental and social impacts.

— Reuters News Service, via the *Pittsburgh Post-Gazette,* March 20, 1996

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An Appeal to Conscience

Liberals courted at the Democratic Convention

by Roy Beck
Washington Editor

CHICAGO

During the second day of the 1996 Democratic Convention — in which party strategists sought to keep from public view the decidedly liberal leanings of most delegates — a group of immigration reformers here called on the party to return to its liberal roots.

"The Democrats sincerely believe that they represent the interests of minorities and working men and women," said Joseph L. Daleiden, an economist and president of the Midwest Coalition to Reform Immigration which sponsored the press conference in downtown Chicago. "However, if I were to design a policy to destroy the living standards of Americans, especially those at the bottom of the economic ladder, I could think of none better than the one to permit an unlimited supply of cheap labor."

Democratic delegates had been electrified the first night of the convention when disabled actor Christopher Reeve challenged the country to honor what he called a great overarching principle of President Franklin D. Roosevelt: that Americans don't force the weak to fend for themselves.

By that standard, the Democratic Platform plank on immigration fails miserably, the immigration reform speakers said. The platform even suggests that it is illegitimate to express concerns for America's weak in connection to immigration; it deplores those who publicize any links between immigration and adverse effects on Americans. Meanwhile, it supports a policy that brings in hundreds of thousands of foreign workers and their families each year, most of whom will compete with the weak for jobs, education, housing and social services.

Immigration reformers called on the Democratic Party to stand behind its principles — to stand behind Americans who are vulnerable and who should not have to fend for themselves while the full force of the federal government uses immigration against them.

"It is obvious that immigration is not the only factor at work here, but it is a significant one," Daleiden said. "Any person taking Economics 101 knows that it is the supply and demand that determines the price of any product, including labor. If we had not increased the labor supply through the tens of millions of legal and illegal immigrants, the tighter labor supplies would have driven up wage rates far beyond their present level and the American worker would have benefited accordingly."

Compassion is a major measure of liberalism, said Ed Levy, a professor at Yeshiva University in New York City who proclaimed pride in his liberal political credentials. When considering how many immigrants to bring in annually, liberals should weigh compassion for four groups:

- for potential immigrants,
- for people already in the United States (including past immigrants),
- for the people left behind in the sending countries,
- for future generations in this country.

Unfortunately, Levy said, liberal Democratic delegates' compassion stopped at the first category, with no sign of concern for the other three.

"Liberal Democrats have forgotten what they are supposed to stand for and whom they are supposed to represent," he said. He and other speakers said the Democratic Party through its immigration policy has turned its back on the working class, the poor, on blacks, on Hispanics, on the environment, on the impoverished people in immigrant-sending

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***Roy Beck** is author of* The Case Against Immigration: The moral, economic, social and environmental reasons for reducing immigration back to traditional levels (*W.W. Norton & Co., 1996*).

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countries and on future Americans.

"Why do liberals do this?" Levy asked. "By being what liberals should never be — prisoners of the past. They should never try to solve the problems of today and tomorrow with yesterday's slogans. Yet, once liberals spout the slogan, 'We are a nation of immigrants,' they stop thinking."

Harvey C. Roberts, a financial and business consultant from Brooklyn, said he was especially concerned about the lack of compassion shown by the Democratic immigration plank toward underprivileged minorities, especially blacks: "During the civil rights movement, we American blacks thought we would advance into mainstream society. I truly believe that immigration has thrown us into one of the biggest crises of this century. American blacks are being grievously hurt, losing significant pre-1975 economic-political-social gains because of this unprecedented flooding.... We are not reaping the benefits of our civil rights struggles, although most immigrants are."

"I truly believe that immigration has thrown us into one of the biggest crises of this century. American blacks are being grievously hurt..."

Daleiden pointed out that he recently had met with the Chicago-area association of black construction contractors. While they attempt to maintain $8-an-hour wages for their workforce (predominantly black Americans) they are being put under tremendous threat by contractors hiring immigrants for minimum wage or even less. "The result has been a steady loss of building trades jobs for African Americans," Daleiden said.

Roberts said President Clinton has been hypocritical in his praise for Barbara Jordan, the former congresswoman who was the president's appointed chair of a bipartisan immigration reform commission at the time of her death last winter. When Jordan was alive, Clinton backed her commission's recommendations that legal immigration be cut in order to reduce unfair competition to America's own lower-skilled and lower-educated workers. But soon after eulogizing Jordan following her untimely death, Clinton "caved in to special-interest groups" and opposed the very reforms Jordan had said were necessary, Roberts said.

Especially incongruous, said the immigration reformers, was the liberal Democratic delegates' support for high immigration while complaining about Clinton's welfare reform which forces recipients to find a job. As noted by the delegates, the news media, and many others, the country does not have nearly enough low-skilled opportunities for all the people now on welfare, yet the Democratic Convention resoundingly supported continuing to import foreign workers for those very jobs.

"It appears particularly cruel to bring in millions more immigrants at this time who will compete for those jobs," Daleiden said. "The result is entirely predictable: lower wages, worse working conditions and greater numbers of Americans living in poverty."

Concerning the impoverished people left behind in immigrant-sending countries, Levy asked: "What is compassionate to other countries in taking teachers from Haiti, nurses from the Philippines, doctors from India and energetic entrepreneurs from Asia and Africa? Where are the leaders of those lands to come from? To prefer immigration for the few who come instead of genuine help for the many left behind is a phony compassion; it is hypocrisy."

Perhaps the most illiberal aspect of the present immigration policy, speakers indicated, is the destroyed natural environment and social infrastructure it promises to create for future generations of Americans.

"At present rates of legal and illegal immigration, we will add more people than the entire population of Russia in less than 50 years," Daleiden said. "The effect it will have on America will be nothing less than catastrophic." Levy asked how it can be compassionate to run a program that will force the nation's children to live in a country of a half-billion people.

If liberals won't reduce immigration in their own compassionate way, conservatives will do it in their own way because the American people are ready for it, Levy said. □

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More Bad Statistics

Either the Department of Education statisticians are fibbing or they need a refresher in math

by Linda Thom

U.S. Secretary of Education Richard Riley announced in August that 1996 school enrollment would eclipse the prior enrollment record set in 1971. His report on the tidal wave of new students is entitled, *The Baby Boom Echo* and in it he states:

> *Twenty-five years after the baby boom generation set a national record for school enrollment at 51.3 million students, the record is about to be broken. It is fitting that the children of the baby boomers are doing the record breaking.*
> *Demographers call this phenomenon the baby boom echo.*

The Secretary also indicated that immigration and high birth rates among minorities partially fueled the enrollment surge.

But the following exercise in looking at the Department's own statistics will show that Secretary Riley's assessment of the nation's over-crowding of schools is clearly wrong. Baby boomer parents are *not* primarily responsible for the rise; it is immigration that accounts for nearly all of it.

During the press conference releasing the report, Secretary Riley had Tom Snyder at his side, a statistician with the Department of Education. The Department of Education's statistical section, called the U.S. National Center for Education Statistics, publishes an annual report called the *Digest of Education Statistics*; this section also compiled the data for *The Baby Boom Echo*. As this article will show, the Department of Education has the data to explain correctly the enrollment spike.

The Arithmetic

Where is enrollment changing? The *Statistical Abstract of the United States, 1995* answers this question. Table 248 in this compendium is entitled, "Public Elementary and Secondary School Enrollment, by State: 1980 to 1983." The source for Table 248 data is U.S. National Center for Education Statistics, *Digest of Education Statistics*, annual; therefore, the data came from the Department of Education.

Table 1
Public School Enrollment, 1980 to 1993
Numbers in thousands

	1980	1985	1990	1993	Change 1980-93	Percent of Total
United States	40,878	39,422	41,216	43,353	2,475	100%
California	4,077	4,256	4,951	5,339	1,262	51.0%
Florida	1,510	1,562	1,862	2,042	532	21.5%
Texas	2,900	3,132	3,383	3,580	680	25.5%
Total change for California, Florida and Texas					**2,474**	**100%**

Between 1980 and 1993 public school enrollment in the United States increased by 2,475,000 students. Together, increased enrollment in California, Florida and Texas increased by 2,474,000. In 1993, these three states accounted for 24 percent of the nation's population and 99.9 percent of the enrollment increase. In many other states enrollment dropped and among those states are: Connecticut, Indiana, Massachusetts, Michigan,

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***Linda Thom** is a former budget analyst in the office of the Santa Barbara County (CA) administrator. In our previous issue Thom highlighted errors in the Census Bureau's figures on immigration and children in poverty.*

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Ohio and Pennsylvania. In some other states enrollment also burgeoned: Arizona, Nevada and Utah. What demographic changes might have caused this?

Utah has a very high fertility rate, the highest in the nation. California's is second. So maybe births caused this phenomenon. People are moving out of the Northeast and into the sunny South. Maybe that caused it. Or maybe immigration caused it.

Table 2
Average Daily Attendance (ADA)
United States and California, 1975 to 1990

Year	California ADA	United States ADA
1975	4,366.617	41,269,720
1980	4,014,917	37,703,744
1985	4,245,090	36,523,103
1990	5,065,647	38,426,543
Change	**699,030**	**(-2,843,177)**

The U.S. Department of Education's *Digests of Education Statistics* tell the story. School enrollment, according to the *Digests,* peaked in 1971, declined, and then began increasing again in 1985. California's enrollment began growing between 1980 and 1985, as is shown in Table 2. (Calculations by author.)

Table 3
Racial and Ethnic Composition of
Average Daily Attendance Change, 1975 to 1990

Race\Ethnicity	California	United States
White	(-586,435)	(-5,471,874)
Black	(-991)	(-93,013)
Hispanic	925,884	1,883,848
Asian/Pacific Islander	361,842	801,268
Amer. Indian/Other	(-1,270)	36,594
Change	**699,030**	**(-2,843,177)**

Between 1975 and 1990, average daily attendance in California climbed by almost 700,000 students while national average daily attendance, including California, declined by 2.8 million. Who are these children? The *Digests* show the racial and ethnic composition of the change. (Calculations by author.)

Enrollment in the United States declined by 2,843,177 students but Hispanic and Asian/Pacific Islander students increased by 2,685,116. Hmm. These numbers come entirely from the annual reports of the U. S. Department of Education. That's Secretary Riley's Department of Education. The same Secretary Riley who said the baby boomers' children caused the "Boom" in enrollment.

Who are the baby boomers? They are the folks who were born in the United States after the end of World War II in 1945. They are overwhelmingly white and black, not Hispanic and Asian/Pacific Islander. Those additional children in our schools are either immigrants or children of immigrants or a combination of both.

Most Asian and Hispanic women giving birth in the United States are foreign-born. In addition to the *Digest of Education Statistics,* the Department of Education publishes *Youth Indicators.* The 1993 edition has all manner of interesting statistics including birth rates by race and ethnicity. The original source of the birth data is the United States Department of Health and Human Services, Monthly Vital Statistics Reports. Referring to the June 24, 1996, Monthly Vital Statistics Report (Ventura), one finds that 64 percent of Hispanic women giving birth in the nation in 1993 were foreign-born. Ninety-one percent of the Asian women giving birth in 1993 were foreign-born. Moreover, the vital statistics show that the birth rate for Hispanic women is 105.6 births per 1,000 women and the next highest birth rate is for blacks whose birth rate is 76.9, down from 84.9 per 1,000 in 1980.

Annual births in the United States increased between 1985 and 1990. Part of the increase was caused by baby boomers who delayed their births into their late thirties and early forties but the overwhelming surge in births was caused by immigrant women (Ventura). In addition to births, the passage of the Immigration Reform and Control Act in 1986 caused a huge surge in immigrant children in our nation's schools as spouses and children poured into the country to join their relatives who were illegal aliens given an amnesty (Thom).

One might visualize annual births from 1970 to 1990 as a road sloping downward with a speed bump at the bottom of the hill. School enrollment can be envisioned the same way. Enrollment dropped

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nationally but then started to rise in 1985. The Department of Education is pointing at the speed bump and telling the American people that this bump at the bottom of the hill was caused by baby boomers' children and this caused the new enrollment record set in 1996. Some of the bump was caused by baby boomers' children but if enrollment trends are envisioned from the top of the hill, 1971, then white and black enrollment declined. It did not increase and, therefore, baby boomers' children are not the cause of the new record set in 1996. Hispanic and Asian children are. They are not the children of baby boomers. They are the children of immigrants.

Conclusion

Do the statisticians at the Department of Education know this? The numbers are certainly available at the Department of Education. Why have the Department of Education statisticians said the new enrollment record was set by baby boomers? There are two alternatives. Either they are fibbing or they need a refresher in arithmetic. □

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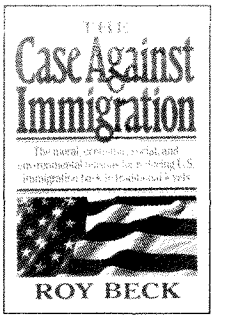

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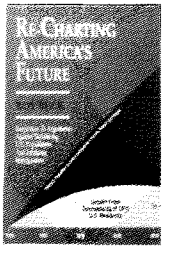

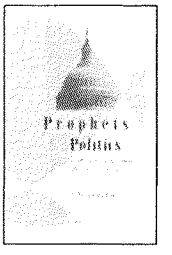

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Myths of Family Reunification

Immigrants disrupt families to start process

by William Buchanan

The admission of immigrants who are *nuclear* family members — spouses and dependent minor, never married children of U.S. citizens and permanent resident aliens — is sound social policy. The same cannot be said for the admission of *extended* family members — under current law the adult sons and daughters of U.S. citizens and the brothers and sisters of U.S. citizens *plus* their spouses and minor children *plus* the unmarried adult sons and daughters of permanent resident aliens. The latter produce mounting backlogs, chain migration and, since they are admitted without reference to skills, significant displacement of domestic workers. Moreover, we can never succeed in returning to the supportable level of immigration that prevailed prior to 1965 until we eliminate such preferences.

Defenders of America's current immigration policy disagree, portraying extended family immigration as good for the country, and a part of American tradition, facilitating the loving reunification of long-separated families and (with a superior lift of the eye) affirming family values. Which view is supported by the evidence?

I. Some History

Prior to 1917, the selection process for immigrants was rather simple. Specific groups such as criminals, prostitutes, paupers, and carriers of disease were excludable, but there were no broadly applicable limits and therefore no need for qualifiers. Hod carrier or husband; needle worker or niece; uncle or undertaker — the law treated all of them alike.

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Things changed, however, with passage of a 1917 law requiring new immigrants to be literate in some language, not necessarily English. Now the Congress had to deal with the question of admitting the illiterate family members of literate immigrants. Obviously feeling their way, our lawmakers chose parents and grandparents over 55, children under 17, wives, and adult unmarried daughters.[1]

In 1921, numerical limits (350,000 per year) and national-origins quotas were introduced for immigrants from the Eastern Hemisphere. Preference was granted "so far as possible" to the children under 18, and the wives, fiancees, parents, and brothers and sisters of U.S. citizens as well as aliens who had applied for citizenship.[2]

A product of experience, the 1924 Johnson-Reed Act[3] provided for the admission of wives and minor children of U.S. citizens with no numerical limit (non-quota). But all other Eastern Hemisphere immigration was set at 150,000 per year, apportioned by national-origins quota. Up to 50 percent of each country's quota could be used for husbands and parents of U.S. citizens plus skilled agriculturalists (and their spouses and minor children). The remaining 50 percent was reserved for non-preference immigrants — the "sink or swimmers" who come to a strange new land, often with little but their courage and fortitude to support them.

Congress relented in 1928 and allowed leftover quota visas to be used to admit spouses and minor children of permanent resident aliens (legal immigrants). That was it! After 40 years of wrestling with it, the Congress appeared to have put the tar baby of massive immigration to bed.

Following WWII, however, Congressional resolve began to weaken. The American economy boomed and labor unions struck. Business complained of a "labor shortage" and demanded relief. One obvious target was unused quota slots, often referred to as "wasted." Quota-favored Great Britain, Ireland, and Germany, for example, used only 134,000 of their

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327,000 available quota slots in the three years 1949-51.[4]

Responding in 1952 with the McCarran-Walter Act[5], our representatives added husbands of U.S. citizens to the list of those admitted outside of quota and divided the 150,000 national-origins quota visas among three preferences — 50 percent for "needed workers" and their spouses and minor children, 20 percent for spouses and minor children of permanent resident aliens, and 30 percent for parents of U.S. citizens. Unused visas in any one of these preferences were available for either of the other two preferences.

Fearing there might still be some unused visas, the Congress made leftover quota slots available for extended family members — brothers and sisters and adult sons and daughters of U.S. citizens — fourth preference. This ploy completely backfired. First, instead of luring the favored peoples, extended family backlogs began to appear for the countries with small quotas. Second, it roused the immigration tar baby from its 28-year slumber.

In 1959, Congress rearranged the deck chairs again. The fourth preference was made eligible for up to 50 percent of quota visas and it now included spouses and minor children. Permanent resident aliens could bring in their unmarried adult sons and daughters. Once again, there were few takers among those who qualified, but a lot of demand among those who did not. In the five fiscal years 1960 to 1964, only 23,176 fourth preference visas were issued, but the backlog grew to 163,805.[6] As of FY65, only two-thirds of the 150,000 Eastern Hemisphere quota slots were used and 80 percent of these were for non-preference.[7]

In the years 1952-65, Congress strove mightily to limit quota immigration to 150,000 per year, maintain unequal national-origin quotas, respond to humanitarian appeals, reunify families, admit all who managed to qualify (thus avoiding backlogs), and provide incentives so as not to "waste" quota slots. It was a little like trying to direct a blizzard to build a snowman.

In a further effort at "correction," Congress now passed the 1965 Immigration and Nationality Act — and threw a fist into the immigration tar baby. Overnight, our immigration policy shifted from emphasizing national-origins to emphasizing extended family. Parents of U. S. citizens were shifted to non-quota status, the Eastern Hemisphere quota was bumped up to 170,000, and three discrete new preferences were set up for extended family:

(Preference 1) unmarried adult sons and daughters of U.S. citizens,

(Preference 4) married sons and daughters of U.S. citizens and their spouses and minor children,

(Preference 5) brothers and sisters of U.S. citizens and their spouses and minor children.

Moreover, the second preference combined spouses and minor children of permanent resident aliens (2A) with the unmarried adult sons and daughters of permanent resident aliens (2B). Family would now account for 74 percent of quota

Table 1

Family Preference Specificed in Selective Immigration Acts

	1924-28	1952	1959	1965
Minor children of USCs	NQ	NQ	NQ	NQ
Wives of USCs	NQ	NQ	NQ	NQ
Husbands of USCs	Q	NQ	NQ	NQ
Parents of USCs	Q	Q	Q	NQ
Spouses and minor children of PRAs	LQ	Q	Q	Q
Unmarried adult children of PRAs			Q	Q
Brothers and sisters of USCs		LQ	Q	Q
Their spouses and minor children			Q	Q
Adult children of USCs		LQ	Q	Q
Their spouses and minor children			Q	Q

Key: USC = U.S. Citizen
PRA = Permanent Resident Alien (Legal Immigrant Non-citizen)
NQ = Non-quota Without Limit
Q = Quota — Annual Limit
LQ = Leftover Quota

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immigrants, all to be admitted *without reference to skills*. One positive development: for the first time, a numerical limitation of (120,000 per year) was placed on Western Hemisphere quota immigration.

Assurances were given that the 1965 Act would not affect jobs and, indeed, would change America very little — our country and indigenous population were too vast to be affected, the backlogs would soon dry up, and people from Third World countries would not come here because of the cultural differences.

Senator Sam Ervin attacked every argument for the 1965 Act with Demosthenean oratory and logic — he feared displacement of American workers and was suspicious that advancing extended family preferences to Third World countries with large and impoverished families might substantially change immigration patterns. The existing and undeniable backlogs were additional evidence of potential problems. Offering his opinion of that long-ago debate, former congressman and mayor Ed Koch remarked gleefully: "You were misled!"[9]

"...while an uninformed public slept, our representatives kicked the immigration tar baby and launched the 1990 Immigration Act..."

And then in 1976, to celebrate the Bicentennial (and throwing another fist into the tar baby), the extended family preferences were applied to the Western Hemisphere. Legislation to essentially uncap refugee admissions followed in 1980. Now 80 percent of quota visas (216,000 per year) were devoted to family reunification.

Onward and ever upward — while an uninformed public slept, our representatives kicked the immigration tar baby and launched the 1990 Immigration Act, increasing the number of quota visas for family members to a *minimum* of 226,000 per year, adding another 55,000 per year for the spouses and minor children of amnestied illegal aliens, and providing for the transfer of unused worker visas to family members.

II. Evaluation

TRADITION OR ENTITLEMENT? — Extended family preferences, back door entrants in 1952, hardly qualify as part of a tradition. Instead, what we have are entitlements. And like all entitlements, the numbers have a life of their own with lawmakers constantly responding to the boundless demands of the beneficiaries.

ENEMY OF TIGHT LABOR MARKETS — During every immigration debate, a great deal of oink and ink is shed over fears of a "labor shortage" but very little about its far more valuable twin: *a tight labor market* — the avenue to equality of opportunity and outcome, a choice weapon of empowerment and self-respect, and perhaps the most effective means to narrow the income gap between rich and poor. Moreover, a tight labor market stimulates productivity and innovation, is an antidote for crime, and a significant agent of community. Massive immigration is *always* at odds with a tight labor market and its desirable results.

ENEMY OF RACIAL PROGRESS — With passage of the 1964 Civil Rights Act, America, land of opportunity and equality, decided to become such for black Americans after 300 years of enslavement and Jim Crowism. But Congress was on a roll and, bemused by words, passed the 1965 Immigration and Nationality Act, calling it: "Civil Rights Legislation for the World." The impact on black Americans has been devastating. Whole areas of unskilled niche labor, once typically handled by black workers, are now performed by foreign workers. Average unemployment levels for black workers rose from 9.0% in the 1960s, to 11.1 % in the 1970s, and 14.9% during the 1980s.[10] It is difficult to believe that a policy of admitting extended family members with no reference to skills is not a major reason.

BACKLOGS "DRY UP"? — Of course not! Backlogs have risen without respite, from the 164,000 noted in 1965 to 800,000 in 1976, 1.8 million in 1982, 2.4 million by 1990, and 3.6 million in 1994.

CHAIN MIGRATION — In 1981, Father Theodore Hesburgh expressed disappointment that his Commission had voted to continue the preference for brothers and sisters. "I do not believe we should continue a preference in which there will be an ever-multiplying demand to immigrate, totally

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disproportionate to the number of visas available...," he lamented. He then projected how, by means of this preference, a single naturalized couple could make "no less than 84 persons...eligible for visas in a relatively short period of time."[11]

NO RELIEF IN SIGHT — Naturalizations, which qualify one to petition for extended family, have increased steadily — the annual average was 146,000 in the 1970s, 221,000 in the 1980s, and 318,000 in the four years 1991-94. Meanwhile, naturalization requirements have been relaxed and 3 million IRCA beneficiaries are now eligible to become citizens. Backlogs can't help but skyrocket.

COMMISSION RECOMMENDATIONS IGNORED — In 1995, the Commission on Immigration Reform recommended elimination of all the extended family preferences except for parents. Partly with this in mind, Barbara Jordan, Commission chairwoman, commented that: "With our own population undereducated and underskilled...it defies all common sense and rationality for unskilled foreign workers to be admitted to this country. It can't be justified."[12] Yet every House and Senate effort to enact these Commission recommendations (or even tiny steps toward them) was soundly defeated.

PROMOTES ILLEGAL IMMIGRATION — During debate, opponents of legal reform repeatedly raised this rhetorical Q & A: Include *legal* immigration reform in the same bill with legislation to control *illegal* immigration? Why, that would be an insult to legal immigrants "who play by the rules" and "wait their turn." But do they? Prior to FY95, family members could only obtain immigrant visas from the U.S. embassy in the home country. However, a 1994 appropriations bill amended the immigration act to allow an illegal alien family member for whom an immigrant visa has been issued to apply for immigrant status in the U.S. This convenience is referred to as "adjusting status" and was heretofore permitted only for workers. Preliminary reports are that applications for adjustment increased from 203,000 in FY94 to over 470,000 in FY95.[13]

From this and anecdotal information, we can deduce that many aliens eligible for family preferences live here illegally, waiting (and working), perhaps for years, for their visas to emerge from the backlog — evidence that legal immigrants don't always wait their turn or play by the rules, evidence that legal immigration often promotes illegal immigration.

DOES IT REUNIFY? — A decent respect for the language says: no, it doesn't *and it can't!* Realistically, what we have is a series of options that allow some foreign relatives to join some U.S. citizen relatives. The U.S. relative must become a U.S. citizen, must petition for the foreign relative, who must, in turn, act on the option. And, coming soon, the two must satisfy the feds that their combined incomes can support both of them.

More to the point, immigration is basically a process of disunification. Almost every immigrant leaves a large extended family in his wake. Immigration is a linear process, extended family reunification is a geometric one. Even though many who qualify choose not to come, the qualified who do seek to come will exceed all quotas no matter how large these quotas become. For proof one need only review the spiraling backlogs.

"The impact on black Americans has been devastating. Whole areas of unskilled niche labor, once typically handled by black workers, are now performed by foreign workers."

DIS-REUNIFICATION? — There is nothing to stop a "reunited" family member from making the bargain look ridiculous by moving somewhere else in the country in search of work or a nicer place to live. Is a Moroccan who moves 3,000 miles to join a brother in Raleigh, NC reunified with her family when she then relocates 6,000 miles away in Hawaii? Of course not!

POPULATION — Like all other categories of immigration, extended family immigration adds massively to our population. Any such marginal increase has a massive impact on our schools, our environment, our physical infrastructure, and our opportunities for solitude. All such increases portend additional government and consensual

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regulations and consequent reductions in freedom and opportunity.

III. Conclusions and Recommendations

Extended family reunification is the least justifiable of all the huge flows that make up our current immigration policy. Like much of that policy it is "out of control," associated as it is with mounting backlogs and the encouragement of illegal immigration.

Since no skills are required, extended family members almost by definition will compete with American workers who can least afford such competition and of whose meager grasp on the ladder of success we should be most protective.

And since immigration is basically disunifying, extended family immigration is justified upon a false premise — it does not and cannot reunify families. We can reunite, reunify, and rejoin the extended family best by not disuniting, disunifying, and disjoining it in the first place. And never have alternatives been more available. The telephone and airplane and visitor's visa put us all within minutes or hours of everyone on Earth.

Further, many U.S. citizen families are "disunited" — one child in Los Angeles, another in Minnesota, and a third in Philadelphia. We have no government plan for reuniting them, yet by phone, fax and air fare immigrant families are no more disunited than these. Family reunification can only sensibly mean *nuclear* family reunification — the spouse and minor children of a U.S. citizen or legal immigrant with no affidavit of support required. This is real family values!

Parents present a different problem. Children ought to take care of their infirm parents. But with few exceptions that can best be done by means other than immigration. Absent the monstrously expensive and rapidly growing SSI and Medicaid benefits — which are making America the world's retirement home (at U.S. taxpayers expense) — most naturalized citizens will find it cheaper to support their needy parent(s) in the home country.

Various legislative proposals have been advanced that would limit the immigration of parents to situations where all or more than half of their children are living in the U.S.A. and require the sponsor to show that he or she has sufficient income to provide housing and the equivalent of welfare, Medicare and Medicaid.

Robert Rector of the Heritage Foundation recommends exploring a "guest" visa program which would admit parents on a permanent basis but deny them the right ever to become immigrants or citizens and thereby the opportunity to qualify for government assistance.[14]

Anyone who observed this year's battle in Congress over immigration reform and the limited results will recognize the aptness of the "tar baby" metaphor. Each effort to accommodate the beneficiaries of today's policies has only further entrenched them and magnified their demands. Nevertheless, the Congress still has one foot free of tar and the means therefore to return to an immigration policy that reflects the national interest and the opinions of the American people. □

NOTES

[1] Immigration Act of February 5, 1917, (39 Stat 874)

[2] Quota Act of May 19, 1921, (42 Stat 6)

[3] Immigration Act of May 26, 1924, (43 Stat 153)

[4] *Annual Report of the Immigration and Naturalization Service, Fiscal Year 1953*, Table 7.

[5] Immigration and Nationality Act of 1952, (66 Stat 163).

[6] Hearing, Senate Committee on the Judiciary, Subcommittee on Immigration and Naturalization, February 10, 1965, Page 27. Note: Obvious errors in table corrected.

[7] *Annual Report of the Immigration and Naturalization Service. Fiscal Year 1965*, Table 4.

[8] In FY 1965, Canada, Mexico, Great Britain, Germany, and Italy accounted for 47 percent of all immigrants. In FY 1994, Mexico, China, Philippines, Dominican Republic, and Vietnam accounted for 40 percent of all immigrants.

[9] Immigration Debate, Bard College, "Firing Line," June 16, 1995.

[10] Andrew Hacker, *Two Nations, Black and White, Separate, Hostile, Unequal* (New York: Ballantine, Rev. 1995), p.109.

[11] Statement of Chairman Father Theodore M. Hesburgh, *Final Report of the Select Commission on Immigration and Refugee Policy*, p.334.

[12] *The Washington Times*, June 29, 1995, p.A3.

[13] U.S. Department of Justice, Immigration and Naturalization Service, *Immigration to the United States in Fiscal Year 1995*, March 1996, p.5.

[14] Hearing, House Judiciary Committee, Subcommittee on Immigration and Claims, June 19, 1995, page 78.

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'Official Spanish' Push

Let's look more seriously at movements that advocate taking back the Southwest

by Georgie Anne Geyer

Official English is one of the most controversial issues in America today, even though it simply stands for one more thing we thought did not need to be legislated: that English always has been and is the language of America.

The discussion of a related cultural issue, bilingual education, gets nastier by the day, as proponents stubbornly proclaim what is essentially impossible: that children will learn English more quickly through speaking Spanish.

These issues, both of them very much with us in this presidential campaign, have taken on forms we could not have dreamed of only a few years ago. They are being used by radical Hispanic activist groups, particularly in California, to work determinedly toward:

(1) the imposition of "Official Spanish" and Southwestern Spanish culture as co-equal with English and American culture, and,

(2) moving out Americans who differ ideologically with them from the institutions in our society that would usually be the caretakers of civic America.

> Let us create the conditions for the Mexican intifada.
>
> [*From a newsletter of the Chicano Student Movement of Aztlan*]

In case you don't believe me:

• *Voz Fronteriza*, or "Voice of the Frontier," a student publication of the University of California, one that is funded in part through mandatory student fees that the system has earmarked for "student groups," published this during the summer just before a meeting of immigration-control citizens in San Diego:

> *A large gathering of the most racist-fascist European-settlers will take place.... Their objective is eroding the democratic rights of the majority of people in occupied America.... The convention gives us, the targets, the colonized people, an opportunity to expose the fascist plans of this white illegal settler population presently occupying Mexicano indigenous lands.*

• The same article that came from a group called MECha, the initials for the Spanish for the Chicano Student Movement of Aztlan, also said:

> *Every Mexicano must become an enemy of the colonial settler state. Genocidal attacks against us escalated with the English-only movement. The police are glorified armies of occupation.... This is our homeland.... Let us create conditions for the Mexican intifada.*

Now, in case you need a new revolutionary dictionary, "occupied America" is the United States. The "colonized people" are these radicalized Mexican-Americans and related others. The "white illegal settler population" is made up of all white Americans, etc., etc., etc.

For years, I have been aware of these groups and of their "take the Southwest back" attitudes, but until now I did not take them very seriously. Now I do, because the more it is proven that "bilingual education" has failed, the more powerful its lobby becomes. The more Americans realize this country is being balkanized by their own carelessness, the more violent the groups supporting separation are becoming. Even more, the activists, who first espouse

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***Georgie Anne Geyer** is a nationally-syndicated columnist. Her latest book,* Americans No More: The Death of Citizenship *(The Atlantic Monthly Press) is advertised inside the back cover of this issue of* The Social Contract.

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linguistic separation and then physical separation, are now entrenched in the primary institutions, i.e., our schools and universities.

To cite one example, the standard college and high school text in the fashionable "Chicano Studies" classes in California schools and universities is *Occupied America*, by Professor Rodolfo Acuña of Cal State Northridge. In it, he states flatly that "Anglo control of Mexico's northwest territory is an occupation," and that "Chicanos are living in captivity."

Dr. Diana Hull, a respected behavioral scientist living in Santa Barbara and one of the few academics to analyze these phenomena, has come up with some stunning findings. To understand the real agenda of these individuals and groups, she says, "You need to monitor school board meetings, as we do in Santa Barbara," where increasingly the traditional American civic training and historical thinking is being defeated and degraded.

"Language barriers are an obstacle to defecting," she went on. "It is the preservation of Spanish that is the real concern — not the learning of English." An "appealing counterculture had to be created" by these groups to counter the attractions of American culture, one that "conferred on Hispanics a superior entitlement to the benefits of American society and denigrated 'Anglos' as oppressors and thieves."

Dr. Hull, [see the following article] who spent most of her career as clinical associate professor in the department of psychiatry at Baylor College of Medicine in Houston, uses a provocative term, "Official Spanish." She is saying that, when we talk about "Official English" and "bilingual education," we are really talking about something different from what we think.

We are talking about angry separatists, not weary assimilationists, about people who want to establish Spanish as a co-equal language for their own purposes and break this country down, using the cultural tools we have handed them.

The problem is that she is right. □

Ethno-nationalism, Aztlan and 'Official Spanish'

There's more to the movement than language

by Diana Hull

Proposition 187 was the first major obstacle in the onward march of revolutionary "Raza" rights groups, and it roused them to new heights of hostility and hysterical hyperbole.

Militant Chicanos have been threatening violent insurrection since the 1960s but, by 1994, MALDEF (Mexican American Legal Defense and Education Fund) had accomplished many of its goals through the courts and provided, at the same time, a quasi-respectable mantle for its ambitious irredentism.

Cultural and "language rights"[1] had already been won and anyone seeking to cross the border illegally, whether apprehended or not, could eventually gain entry.[2] Every day thousands of Mexicans enter our country at will, and in numbers grossly undercounted by federal authorities. Los Angeles is the second largest Mexican city in the world and Hispanics will soon be a majority in California.

After Proposition 187 passed, Hispanic leaders

Diana Hull, Ph.D., *is a behavioral scientist trained in demography and epidemiology. As a Clinical Associate Professor in the Department of Psychiatry at Baylor College of Medicine in Houston she became interested in the health effects of immigration. She is co-founder and co-chair of of the Santa Barbara County (CA) Immigration Reform Coalition.*

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met in January of 1995 on the campus of the University of California at Riverside. At that meeting Art Torres, now State Chair of the California Democratic Committee,[3] declared that Proposition 187 was *"the last gasp of white America;"* and Hermann Baca, founder of the Committee on Chicano Rights, reassured the audience that "historically we are going to win — and take our place as rightful owners of this land."

The task of indoctrinating Hispanic youth for their role in a United States, *sin fronteras* (without borders) where they are in control, is the mission of MEChA (*Movemiento Estudiantil Chicano de Aztlan*). Their message is broadcast defiantly from hundreds of institutions of secondary and higher education, and nowhere else are Chicano takeover plans expressed more bluntly or brutally.

MEChA's description of the San Diego Republican Convention in *Voz Fronteriza*, their student publication at the University of California, San Diego, combines a stale Marxist style and "Raza" audacity:

> *In August of 1996, a large gathering of the most racist/fascist European settlers will take place in San Diego, California. Their objective is eroding the democratic rights of the majority of people in occupied America (United States) and supporting the present U. S. policy leading to the genocide and deportation of the Mexicano, African and other oppressed peoples. The convention gives us — the targets, the colonized people — an opportunity to expose the fascist plans of this white illegal settler population, presently occupying Mexicano indigenous lands.*
>
> *Every Mexicano must become an enemy of the colonial settler state. Genocidal attacks against us escalated with the English-only movement. The police are glorified armies of occupation. The English-speaking settlers are trying to completely marginalize us by denying us a cultural and historical understanding of who we are — and the concentration camps are ready to [be used] against us. This is our homeland. We must create the revolutionary clandestine formations that will defend our people and lead to our ultimate national liberation struggle and the socialist reunification of Mexico. Let us create the conditions for the Mexican intifada.*

According to the University of California, this is sham leftist rhetoric from a tiny group of harmless radical students, testing the limits of free speech and flexing their muscles. We are left to wonder what lethal mix of moral cowardice and dismissive arrogance blocks the "politically correct" university administration from shutting off this "hate" speech, even when it apes the Hizballah of Lebanon.

Like Hizballah and Hamas, MEChA talks of "stolen lands" and is proudly linked to at least a hundred "carbon copy" groups, outside of academia, but with affiliates in most of the immigrant-impacted states. Travis Morales, leader of La Resistencia — with branches in Houston, San Francisco and San Diego — is allied with the "Revolutionary Communist Party." Morales claims the U.S. government murders Chinese and Haitians at sea and operates "concentration camps" for immigrants.

Anthony Uetzca Murillo, of "Partido Libertad de la Gente" calls for the "socialist reunification of Mexico — to fight for and obtain, by any and all means — the land, liberty and national sovereignty, stolen by the United States government between 1836 and 1838. We do not," he says, "abide by or respect laws that perpetuate the cultural or linguistic 'genocide' of La Raza, which are deliberate acts of war against the Mexican people."

The common theme is that securing the border is the same as ethnic cleansing — that the "AmeriKKKan" government is like the Nazi regime, that the INS is the same as the Gestapo, that prisons are like concentration camps and secure I.D.s are the equivalent of numbers tattooed on the East European Jews.

A consortium of well-financed groups has been "talking this talk" since the 1960s, but the real question is "where has it gotten them?"

The answer is that in combination with MALDEF's money and legal team, and the Ford Foundation's anti-assimilationist agenda, it has gotten them very, very far indeed. They have big money with which to plead oppression in the courts, the *machismo* to use intimidation, and the shrewdness to employ deception where the stakes are highest. Their grand plan for "Official Spanish," as a co-equal language with English, is artfully concealed under the banner of

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"bilingualism," and they want the arguments to stay focused on its efficacy.

Chicano politicians insist that bilingualism promotes a transition to fluency in English, when virtually all the research proves overwhelmingly that this is untrue. What bilingualism does is maintain language barriers that keep groups apart. They are an *obstacle to defecting* and that is precisely the point. MALDEF's mission has always been to strengthen Hispanic group identity and discourage assimilation. So debates about bilingual education are not what they seem. It is the preservation of Spanish that is the real agenda — not the learning of English.

In this effort Chicano politcians have a major ally in the U.S. Department of Education, whose policies encourage ethnic separatism and the blurring of sovereignty. Their La Frontera program envisions U.S.- Mexico integration in a "borderland" region created by NAFTA. This project of the Southwest Educational Laboratory in Austin, Texas, bolsters the agendas of MALDEF and MEChA by opposing the assimilation of minorities by "mainstream societies."

But "mainstream" Californians are sure to pass the next state voucher initiative, soon to be on the ballot again. A stepped-up flight to private schools will surely follow as public education becomes the most prominent of the many once-treasured institutions to be fatally damaged by the crush of too many immigrants coming too fast.

After the loss of our schools, the territorial, cultural and linguistic revolution that massive immigration brings can no longer be thought of as temporary dislocation that precedes assimilation.

"Official Spanish" has already fared better than "Official English" — even though the bill making English the language of government passed the U.S. House on August 1st. Modest as the bill was, congressional opponents called it dangerous, unnecessary, anti-immigrant, unconstitutional, a violation of equal protection, the new Berlin Wall and mean-spirited.

But the most curious thing about the discussion was that every member of Congress who spoke, on both sides of the debate — Democrats and Republicans — fell all over each other to declare that they, themselves, were only one generation removed from the glorious immigrant story. They tried to outdo each other in competing for whose relatives had arrived more recently. If any of our representatives were fourth or fifth generation Americans, you can be sure they kept it secret because none was courageous enough to admit it.

It used to be that immigrants would say how grateful they were to be in the United States and that made it easier to welcome them. Our culture was admired then and our proprietary interest in the preservation of English was taken for granted.

Appreciating the Spanish language and its literature is different by far from "Official Spanish," which is one leg of a three-legged stool called "ethno-nationalism." The other supports are cultural separatism and ever-increasing numbers of people in your particular ethnic subgroup.

"Chicano politicians insist [bilingualism] promotes a transition to fluency in English, when virtually all the research proves overwhelmingly that this is untrue."

Being able to continue their population growth through immigration is essential for Hispanics, now firmly on their way to taking power through the ballot or other means. But for the "Raza" groups, taking control will be meaningless if they become, in the end, English-speaking, assimilated, Mexican-Americans.[4]

So, in addition to numerical superiority, a fierce ethnic identity is essential and the vehicle to accomplish that is Chicano Studies. Since American culture is so seductive, equally seductive lures were invented to counter its influence, i.e. a manufactured history that conferred upon Hispanics, not just an equal, but a superior entitlement to the benefits of American society and one that denigrated Anglos as oppressors and thieves, who stole lands that rightfully belonged to Hispanics.

This new history teaches that the glorious empires of the Aztec, the Olmec and the Maya were more accomplished civilizations than our own — an approach identical to that of racist Professor Leonard Jeffries[5] who invented a black history that

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he incorporated into the City College of New York's African Studies curriculum.

MEChA declares:

> *Columbus did not discover America. We of Cem-Anahuac, the one world in Nahuatl, were the most advanced societies known to man — beyond the comprehension of supposedly civilized Europe.*[6]

This is the central message to young Hispanics — that they are the true indigenous people of the Southwestern United States — renamed Aztlan, a land that includes California, Texas, Arizona, New Mexico, Colorado and parts of Washington state.[7]

Professor Rudolpho Acuna, of California State University at Northridge, the fiery author of *Occupied America*, the standard college and high school text in Chicano Studies, writes that "Anglo control of Mexico's northwest territory is an occupation" and that "Chicanos are not able to obtain justice because they are controlled and living in captivity."

"Where the number of immigrants reaches a certain critical mass, American culture is gradually disappearing."

Now, these statements are not the ravings of a radical student club like MEChA. These ideas are the organizing ethos of the whole Chicano Studies enterprise and are taught in the high schools. At the college level, Chicano Studies departments offer a variety of subjects that have been given the "Chicano treatment." At most universities these offerings take up pages in the catalog of courses.

This separate and parallel curriculum has gone virtually unchallenged by the university establishment, which pacifies ethnic activists by agreeing to their demands and then walls them off in segregated departments. Firmly ensconced, Chicano Studies faculty work closely with MEChA (which means the "fuse" in Spanish) and support, and likely encourage, their threatening and anti-Anglo propaganda.

In 1996, several members of our immigration reform group (Santa Barbara County Immigration Reform Coalition) challenged the content of a high school Chicano studies text at a school board meeting. The Chicano activist community came out in force, physically "rushed" the podium before the police were called and then circulated a recall petition for the school board member who put the item on the agenda.

There is ample evidence that Chicano activists are linked in a national network. (For a partial list, see THE SOCIAL CONTRACT, Vol. VI, No. 4, Summer 1996.) Any threat to "Official Spanish," Chicano Studies, or open immigration is fought with language and images appropriated from the holocaust. Our school board appearance generated volumes of mail to the newspapers. Not only Chicano Studies teachers, but principals and administrators, accused us of "book-burning" and wrote, "It's like Kristallnacht!"

The MEChA organization, the concept of Aztlan, and the term Chicano were all created in the late 1960s and early 1970s. Gregory Ochoa, a UCLA Professor, believes that the Chicano scheme called "El Plan de Aztlan" seriously envisions the forceful takeover of the Southwest United States. Although Aztlan is often referred to as a "mythical" state, it is also a rallying symbol that is intentionally ambiguous — a composite concept that is the very "heartbeat" of Hispanic ethno-nationalism.

It is grandiose to believe that the United States is too big, too strong or too rich to be destabilized. If the separatist threat is not recognized soon, the predictions of U.C. Berkeley's Mario Berrera will come true and the United States will be divided into ethnic autonomous regions.[7]

This has already happened in parts of the Permian Basin in Texas where Hispanics have become a numerical majority. Professor Colbert Rhodes lives and teaches there, tracking the changes that have taken place. Where the number of immigrants reaches a certain critical mass, American culture is gradually disappearing. Mexican-American school children now regard U.S. history, Rhodes says, as the white man's history, with no relevance for them, and multiculturalism has been replaced by an attitude insisting that no common culture is possible or desirable. In classrooms in Midland, Texas, where Mexican origin students are a majority, pictures of

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presidents of Mexico hang on the walls. Little, if any, American culture remains.

So what we are doing is mindlessly promoting and reproducing in the United States all the conditions for ethnic-separatist conflict. Some Washington insiders acknowledge this privately. *Atlantic Monthly* contributor Benjamin Schwartz says that when ethnic conflicts surface in other parts of the world, the U.S. foreign policy community becomes extraordinarily anxious. It reminds them, he says, that the country is fragmenting in the same way and is likely to suffer the same fate.

If historian Barbara Tuchman were alive today, she would surely add one more chapter to her book, *The March of Folly*. In acquiescing to cultural suicide, promoted by an immigration policy opposed to our own self-interest — and this is Tuchman's definition of folly — we surely equal or exceed in blindness and conceit all the other examples she writes about.

John Adams said of Britain before the American revolution that "The pride and vanity of that nation is a delirium that perverts everything." In our time, the United States thinks it is beyond the possibility of ruin — somehow magically insulated from the lessons of history.

"The American democracy is long-suffering and slow in rousing itself" wrote Scottish historian James Bryce in 1891, in *The American Commonwealth*. But it is past time to awaken because being too slow may be the same as being too late.

NOTES

[1] The most important "language rights" cases won by MALDEF were a federal Court of Appeals decision in 1974 in Serna v. Portales Municipal School District and Gomez v. Illinois Board of Education, in 1987. MALDEF also prevailed in the more recent Vasquez v. San Jose Unified School District case. Here, in addition to "language rights" the issues were the alleged unequal allocation of public school resources, unfair testing and tracking of students, and the elimination of the grouping of students by ability.

[2] From "Stemming the Tide: Assessing the Deterrent Effects of the Immigration Reform and Control Act," Katherine M. Donato, Jorge Durand and Douglas S. Massey in *Demography*, Vol 29, No. 2, May 1992.

[3] Former State Senator Art Torres resigned in May,1996, from a firm administering a government minority assistance program. According to the Associated Press, based on internal Commerce Department documents, Torres received $150,000 a year from these program funds and there was no evidence that Torres did the work for which he was paid. *Santa Barbara News Press*, September 7, 1996.

[4] I am indebted to Professor Colbert Rhodes of the University of Texas of the Permian Basin for sharing his ideas and unpublished manuscripts reporting his research on cultural change in West Texas.

[5] Chairman of Black Studies at CCNY, Jeffries claims that black Egyptians, not the Greeks, were responsible for the achievements of western society. Jeffries teaches that the ice age caused white genes to be deformed, while black genes were enhanced "by the value system of the sun." From "Learning About the Sun and Ice with Dr. Jeffries," *The Campus*, CCNY, April 26, 1988, p.13.

[6] From a MEChA flyer originating at California State University at Northridge. From a collection of such material gathered by CCIR (California Coalition for Immigration Reform).

[7] See "Beyond Aztlan: Ethnic Autonomy in Comparative Prospective," by Mario Berrera, *Praeger*, New York, 1988.

THATCH

"MACARENA MAMA," FINAL SCENE. YOU, FEDERICO, HAVE MARRIED FELICITY AND ARE BEING SWORN IN AS A U.S. CITIZEN.
AT THE CEREMONY, YOU BREAK INTO A PATRIOTIC MACARENA! ALL THE LATIN-AMERICANS JOIN IN!
THEN THE ARAB-AMERICANS! CHINESE-AMERICANS! IRISH-AMERICANS! IT'S A MULTI-CULTURAL, STAR-SPANGLED MACARENA!
MAKES YOU PROUD, DOESN'T IT?
ENTER THE DALLAS COW-GIRLS, TWIRLING THEIR TANK-TOPS...

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More Infamous Immigrants

Countering the argument that all immigrants will surely 'enrich' the United States

by Joseph E. Fallon

Studies by both Professor George Borjas of Harvard University and Professor Donald Huddle of Rice University document the negative economic impact which massive Third World immigration is having on the United States. Huddle says the cost of this immigration to U.S taxpayers is $51 billion a year and this is projected to rise to nearly $70 billion a year over the next decade. Immigration is depressing wages, resulting in a loss of $133 billion to U.S. workers each year, and the annual displacement of over two million U.S. workers from their jobs. Immigrants receive $1.4 billion more in Social Security benefits than they pay into the fund, as well as an additional $3.3 billion in Supplementary Security Income (SSI). Between 1982 and 1994, the SSI program experienced a 580 percent increase in immigrant recipients, while the overall welfare rate for immigrants is 50 percent higher than for the native born.

Unable to dispute this data, the pro-immigration lobby justifies the continuation of such massive immigration by reciting the names of individual immigrants who have "enriched" this country. While the "enrichment" argument is irrelevant to any discussion of the economic effect of Third World immigration on American society, it is also completely specious. As James S. Robb noted in his article, "Infamous Immigrants: Here's Proof All Newcomers Aren't Albert Einsteins" (THE SOCIAL CONTRACT, Vol. VI, No. 1, Fall 1995), the pro-immigration lobby cites the names of only famous immigrants, not the infamous — Albert Einstein, but not Al Capone.

This paper expands on Robb's work by listing twenty-one more infamous immigrants. There were many more to choose from. All of the following biographical sketches are abridged and paraphrased accounts taken from the *Dictionary of Culprits and Criminals* (The Scarecrow Press, 1986) by George C. Kohn.

Lou Blonger (flourished: 1880s-1920s) was a French-Canadian-born Colorado swindler. Starting his career as a saloon owner in Denver, Colorado, he established the largest confidence ring in United States history. By the 1920s, Blonger had 500 con men working for him across the country defrauding victims out of hundreds of thousands of dollars. His ring remained untouched for decades because of payoffs to the police. The swindling of J. Frank Norfleet, a Texas cattleman, out of $45,000 in 1920 precipitated the downfall of the Blonger empire. For the next four years, Norfleet, who was a retired sheriff, pursued the con man who had stolen his money and did not rest until he saw him imprisoned. After that J. Frank Norfleet turned his attention to exposing the entire confidence ring. Blonger and hundreds of associates were arrested and imprisoned. Lou Blonger spent the rest of his life in prison.

Al(phonse) Capone (1899-1947) was an Italian-born Chicago gangster and murderer. Nicknamed "Scarface" because of the three scars on the left side of his face which were the result of a knife fight, Capone grew up in Brooklyn. In 1920, he moved to Chicago and became a hit man for the gangster, Johnny Torrio. One of Capone's first assignments was to murder "Big Jim" Colosimo, Torrio's own business partner. Seizing control of the Torrio mob, Capone organized crime in Chicago into a business monopoly. Soon his operations in bootlegging,

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gambling, prostitution, and racketeering were taking in $110 million a year. Undisputed king of the Chicago underworld, Capone had seven members of the rival "Bugs" Moran gang machine-gunned to death on February 14, 1929 in the St. Valentine's Day Massacre. For years, Capone was never convicted of any crime thanks to the influence of the many corrupt politicians he had bought. Then in 1931, he was finally convicted of income tax evasion. Capone served only eight years of an 11 year sentence. Paroled early because he was suffering from severe syphilitic paresis, he retired to Florida. Al Capone died there on January 25, 1947 from complications of bronchial pneumonia and a stroke.

Juan Corona (born: 1934) is a Mexican-born California mass murderer. A labor contractor, he was convicted in January 1973 of murdering 25 farm workers during 1970 and 1971. The mutilated bodies of his victims had been found in peach orchards and along a river in Yuba County. He was sentenced to 25 consecutive life terms. Five years later, while acknowledging that Corona's guilt "although circumstantial was overwhelming," a state court of appeals ruled he did not have an adequate legal defense. Since he had been diagnosed in 1956 as a "paranoid schizophrenic," the court declared Corona was entitled to an insanity defense. A new trial was ordered. In 1982, after a seven month trial, Juan Corona was once again convicted of all 25 murders.

Frank Costello (born: Francesco Seriglia) (1891-1973) was an Italian-born New York gangster and racketeer. During the Prohibition era, he ran profitable gambling and bootlegging operations. In the 1930s, Costello was a founding member of the national crime syndicate. By the 1940s, his operations grew to include gem smuggling. To insure the continuation of his criminal enterprises, Costello bribed police, judges, and politicians. His downfall began in 1951 when the U.S. Senate Crime Investigating Committee labeled Frank Costello the "Prime Minister of the Underworld." Escaping an assassination attempt in 1957 by rival mobster Vito Genovese, Costello was shortly afterwards convicted and jailed on charges of conspiracy, contempt, and income tax evasion. After being released from prison, Frank Costello "retired" to Long Island where he died on February 18, 1973.

George Engel (1837-1887), **Adolph Fischer** (1859-1887), and **August Spies** (1855-1887) were German-born anarchists who immigrated to the United States in 1870s. They joined the labor movement and agitated for improved working conditions. Spies was editor of the German-language anarchist newspaper, *Arbeiter-Zeitung* (Workers' News). On May 4, 1886, seven policemen were killed and seventy others injured in a bomb explosion at Chicago's Haymarket Square, when a meeting organized by anarchists to protest police tactics at a McCormick-Harvester plant turned into a riot. Eight men were arrested for inciting the riot and for the subsequent deaths. All were found guilty. Engel, Fischer, and Spies, along with Albert Parsons, were hanged on November 11, 1887. Of the remaining defendants, one committed suicide, two had their death sentences commuted to life, and one received a 15 year prison sentence.

Sigmund Z. Engel (flourished: 1900-1949) was a European-born swindler. Posing as a wealthy gentleman, he would court and marry women, young or old, unmarried or widow, then abscond with their money. Engel first ran his confidence game in London, Paris, and Vienna. Then, in 1917, to avoid arrest in Europe, he emigrated to the United States where he continued to run this scam for the next three decades. He was finally arrested in Chicago in June 1949, convicted of grand larceny, and sentenced to 10 years in prison. Engel admitted to marrying at least 200 women and swindling them out of nearly 6 million dollars.

"Engel admitted to marrying at least 200 women and swindling them out of nearly 6 million dollars."

Dorothy (Dolly) Gee (born: Chang Hor-gee) (1897-1978) was a Chinese-born California embezzler. In 1901 she had immigrated as a child to the United States, along with her father and family. After operating a successful shoe store in San Francisco, her father became an officer of the French-American Bank in Oakland, a subsidiary of the Bank of America. Dorothy began helping her father solicit

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Chinese accounts for the bank in 1914. After 1929, she assumed responsibility for his ledgers where he had recorded his entries in Chinese characters. During the next 30 years, Dorothy was so successful in bringing Chinese business to the bank that she was frequently honored as the "first woman banker in America." In 1963, she admitted that for the past fifty years first her father and then she embezzeled more than $300,000 from the bank. Sentenced to five years in prison, Gee was released after 16 months and lived the remainder of her life in anonymity in San Francisco's Chinatown.

Vito Genovese (1897-1969) was an Italian-born New York gangster, racketeer, and murderer. During Prohibition, he ran narcotics and prostitution in Manhattan for his boss Charles "Lucky" Luciano. By the 1930s, Genovese had successfully risen to director of the national crime syndicate by murdering his mob rivals. Fleeing to Italy in 1937 to avoid arrest for the murder of the gangster, Ferdinand "The Shadow" Boccia, he soon seized control of the Italian black market and smuggled narcotics into the United States. With the end of the Second World War, Genovese returned to the United States, succeeded in having the murder charge against him dismissed, and in 1957, after a six year campaign of assassinating his principal gangland rivals, became undisputed head of the Mafia. In 1959, he was imprisoned in the Atlanta penitentiary for smuggling and selling narcotics. Able to run organized crime, even order dozens of murders, from his Atlanta prison, Vito Genovese was eventually transferred to Leavenworth prison where he died of a heart attack.

Jake Guzik (1886-1956) was a Russian-born Chicago gangster. He began working for Al Capone in 1922 and soon became Capone's financial adviser and most trusted lieutenant. Later, he successfully managed the mob's finances. Guzik insured the continuation of mob operations by making large payoffs to corrupt police and politicians. These bribes earned him the nickname of "Greasy Thumb Jake." Guzik, who bragged that he never carried a gun, died of a heart attack in a Chicago restaurant on February 2, 1956.

Samuel Insull (1860-1938) was an English-born securities manipulator. Immigrating to the United States, in 1881 he became the secretary to Thomas A. Edison. In 1902, after having directed operations at several of Edison's electric companies, Insull was placed in charge of Chicago Edison and, in 1907, formed the Commonwealth Edison in Chicago. Quitting his job to do consulting work for other utility companies and to start his own business, the Middle West Utilities group, Insull became a multimillionaire by the 1920s. However, he fled to Europe in 1934, after disclosure of his financial manipulations resulted in his companies' collapsing, and his investors losing $750 million. Samuel Insull died in Paris in 1938 possessing only $1,000 in cash, but owing $14 million in debts.

"Insull became a multi-millionaire by the 1920s. However, he fled to Europe in 1934 after disclosure of his financial manipulations resulted in his companies' collapsing and his investors losing $750 million."

"Baron" Herman K. Lamm (circa: 1890-1930) was a German-born bank robber. Shortly before the First World War, he was expelled from the Prussian Army for cheating at cards and immigrated to the United States where he robbed banks. While serving time in prison in 1917 for a failed bank robbery in Utah, the "Baron" devised the perfect plan for robbing banks later made famous by John Dillinger. It consisted in first "casing the layout," identifying how many guards and employees there were, where they were stationed, where the vault was located, etc. Then floor-plans of the bank would be drawn up, a getaway route with alternative escape routes identified would be mapped out, and the robbery would be rehearsed. Employing his plan, the "Baron" successfully robbed many banks. But during an escape attempt on December 16, 1930 his getaway car blew a tire and the "Baron" died in a shoot out with police.

"Little Pete" (real name: Fung Jing Toy) (1864-1897) was a Chinese-born San Francisco tong leader. Immigrating to the United States, by the late

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1880s he controlled a powerful Chinese tong, the Sum Yops. The tongs were organized criminal gangs. "Little Pete," as the local American newspapers dubbed him, amassed his fortune from opium, prostitution, gambling, contract killings, and smuggling illegal aliens (especially female sex slaves) into the U.S. In wars with rivals, "Little Pete" hacked to death at least 50 tong leaders while avoiding death himself by wearing a coat of chain mail and a steel lined hat. On January 23, 1897, two hired killers from China finally assassinated "Little Pete" in a San Francisco barber shop by shoving a gun down his chain mail coat and firing five shots into his spine.

Charles "Lucky" Luciano (born: Charles Salvatore Luciana) (1897-1962) was a Sicilian-born extortionist, racketeer, drug smuggler, and gangster. Nicknamed "Lucky" for having survived a knife attack, Luciano in the 1920s worked the prostitution rackets in New York City for Mafia boss, Giuseppe "Joe the Boss" Masseria. During the 1930s, Luciano lived a lavish lifestyle, spending freely on beautiful showgirls and the good times. During those same years, he also organized the national crime syndicate, opened up the syndicate to non-Sicilians, and exercised complete control over narcotics, prostitution, and restaurant rackets in New York City, as well as gambling and loansharking operations along the East Coast. Convicted in 1936 on prostitution charges, he was sentenced to 30 to 50 years in prison. During the Second World War, Luciano managed to convince federal authorities that he had used his influence with the unions to end pro-Axis sabotage on the New York waterfront. In appreciation, the federal government paroled Charles "Lucky" Luciano in 1946 and deported him to Italy where he died of a heart attack on January 21, 1962.

"[Luciano] organized the national crime syndicate ... and exercised complete control over narcotics, prostitution, restaurant rackets, gambling and loan-sharking..."

Owen or **Owney Madden** (1892-1964) was an English-born New York gangster, murderer, and bootlegger. Between 1903 and 1914, as leader of the Gopher Gang which operated on New York City's West Side, he was involved in hundreds of fights with rival gangs. By the time he turned twenty-one, Madden had been arrested more than 40 times charged with robbery, assault and murder. Convicted in 1914 of the murder of rival gang leader "Little Patsy Doyne," and sentenced to 10 to 20 years in prison, he was paroled in 1923. Madden then spent the next decade in organized crime as an important bootlegger and speakeasy owner in New York City. An associate of gangsters "Dutch" Schultz, "Lucky" Luciano and Meyer Lansky, Madden "retired" from the business in the mid-1930s and moved to Hot Springs, Arkansas, where he died in 1964.

Carlos Marcello (born: Calogero Minacore) (born: 1910) is a Tunisian-born gangster. Nicknamed "The Little Man" because of his short stature, for years Marcello claimed he was a tomato salesman earning $1,600 a month. Later he said he was an investor and land developer. Living in New Orleans with his wife and family, Marcello has succeeded in keeping his private life and his business dealings secret for over 60 years. He has also avoided spending much time in prison. In 1930, he was convicted of assault and robbery but received a full pardon from Louisiana Governor O.K. Allen. In 1938, Marcello was convicted of selling drugs but was released from prison in less than a year. Cited twice for contempt of Congress, he escaped imprisonment on legal technicalities. The FBI believes Marcello still runs a vast criminal empire that includes gambling, prostitution, narcotics, and labor racketeering and takes in an estimated $2 billion a year. According to the FBI, he has been able to avoid arrest, avoid deportation, and insure continuation of his criminal enterprises because he has bribed officials at every level of government. In 1980, Marcello was indicted in New Orleans for racketeering, conspiracy, and fraud. The next year, he was convicted by a federal court of conspiracy in a bribery case.

Philip Muscia (1877-1938) was an Italian-born swindler. Beginning his criminal career as a New York City food importer, he was convicted in 1909 of bribing customs officials and sentenced to one year in prison. He was released, however, in five months

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with a presidential pardon. Muscia next went into the wig-making business and using false invoices swindled banks out of $1 million. He was soon caught and sentenced to three years in prison. After his release in 1918, Muscia assumed the name F. Donald Coster and entering the pharmaceutical business, established the hair-tonic firm of Girard & Co. This company was the beginning of his most successful scam. During Prohibition, Muscia, alias Coster, obtained a federal permit to purchase large amounts of raw alcohol ostensibly to manufacture hair tonic. However, he converted the alcohol into liquor, sold the liquor to bootleggers, and became a very wealthy man. In 1926, Muscia expanded his operations by buying the well-respected pharmaceutical company, McKesson & Robbins, and began to manipulate the stock market. Because his company survived the stock market crash and the great depression, Muscia was considered a financial wizard by many on Wall Street. In 1938, the treasurer of McKesson & Robbins discovered Muscia had swindled the company out of $21 million. Reacting to the exposure, Muscia shot himself to death in the bathroom of his mansion on December 16, 1938.

Joseph "Doc" Stacher (born: 1902) was a Polish-born gangster and racketeer. Employing a number of aliases, he ran the gambling rackets for Abner "Longy" Zwillman in New Jersey during the 1920s. In the early 1930s, Stacher was instrumental in uniting New York's "Jewish Mafia" and "Italian Mafia" into the national crime syndicate. During the mid-1930s, he established gambling rackets on the West Coast for gangster Meyer Lansky. During the 1950s, Stacher opened gambling casinos in Las Vegas for the mob. Convicted of income tax evasion in 1964, the authorities offered him the choice of five years in prison or deportation. Stacher immigrated to Israel in 1965.

John "Johnny" Torrio (1882-1957) was an Italian-born gangster and racketeer. He began his criminal career in New York City in the early 1900s, and earned the nickname "Terrible Johnny" as leader of the James Street Gang which was composed of pickpockets, burglars, fences, and sluggers. Torrio also worked as an extortionist for the Brooklyn gangster, Frankie Yale. Moving to Chicago in 1909, Torrio went to work for James "Big Jim" Colosimo, the "King of Pimps," who ran a lucrative chain of brothels and saloons. Originally hired to provide protection for those brothels and saloons, Torrio eventually began running all of Colosimo's operations. After a falling out over a question of expanding into other rackets, Torrio had a young hit man named Al Capone murder Colosimo on May 11, 1920. Torrio and Capone made a fortune operating breweries and gambling casinos during Prohibition. Engaging in many gang wars with rivals, Torrio was severely wounded in one such battle on January 20, 1925. As a result, he turned over his business to Capone, and "retired" to Italy for three years. In 1928, Torrio returned to the United States and assumed control of a multi-million dollar bootlegging operation which spanned the East Coast. With "Lucky" Luciano, Meyer Lansky, and others, he helped establish the national crime syndicate in 1934 and sat on its board of directors for years. Convicted in 1939 of income tax evasion and sentenced to Leavenworth prison, Torrio was paroled in 1941. Known as "crime's elder statesman," Torrio died of a heart attack on April 18, 1957.

Giuseppe "Joseph" Zangara (1900-1933) was a Sicilian-born assassin. An unemployed New Jersey mill worker, hostile to those he termed "capitalists," he moved to Florida in search of work in 1933. On February 15, while President Franklin D. Roosevelt and Chicago Mayor Anton Cermak were visiting Miami, Zangara attempted to assassinate both men while they were being driven through the streets of the city in an open car. Although his shots missed President Roosevelt, they did strike and kill Mayor Cermak as well as several bystanders. Convicted of murder and sentenced to death, Zangara was electrocuted on March 21, 1933.

As these biographical sketches show, the "enrichment" argument works quite effectively against the pro-immigration lobby. If Albert Einstein, Yo Yo Ma, and I. M. Pei can be cited to justify immigration to the United States, then Al Capone, Carlos Marcello, and Joseph Stacher can be cited with greater justification to demand a moratorium on all immigration. The accomplishments of the former in the arts and sciences decline in their significance when placed alongside the criminal achievements of the latter, with uncalculable impact on the daily lives of ordinary Americans for nearly a century. □

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Toward Language Sanity

Proposed federal legislation in plain English

by Don Feder

Late in July, federal legislation to make English our official language was approved by a House committee. A floor vote could come as early as Thursday. [The House voted approval on August 1st.]

While the move is supported by 82 percent of voters, not everyone is delighted. The bill is "built on bias and bigotry," raged Rep. Matthew Martinez, D-Calif.

Really? Is Mexico xenophobic for making Spanish its official language? Or is America to be the only country without national pride, content to see its culture dissolve into nothingness?

"What binds us together in this country is our freedoms and ideals," declaimed Rep. Gene Green, D-Texas. "It's more than language that makes us Americans."

Still, if we can't talk to each other about these fine sentiments, in terms of drawing us together, they count for little. Besides, it's unlikely that an immigrant could share our heritage and values without speaking our language.

Don Feder is a syndicated columnist. This article, ©1996, is reprinted by permission of Creators Syndicate.

Finally, opponents contend that the legislation is unnecessary. Why, 97 percent of our inhabitants already speak English well, they maintain. (The other three percent all operate convenience stores in metropolitan areas.)

This improbable statistic is derived from unverified Census Bureau data. A respondent is asked: "Do you speak English well?" "Oh, si!" One more American is counted among the great English orators of all time.

If the overwhelming majority who reside here are so fluent in our native tongue, why are we spending $8 billion annually to provide two million students with bilingual education?

Why does the federal government require the printing of ballots in everything from Chinese to Tongan in certain election districts?

And why do 40 states give drivers tests in foreign languages? In California, the exam is offered in 33 languages, including Assyrian, Hindi and Serbo-Croatian. Beware balkanized drivers!

America is becoming a lunatic asylum of linguistic chaos — which is just fine with a multicultural wrecking crew that despises everything which smacks of European culture, especially English.

Each year, over one million immigrants come here, legally and illegally. We are told that efforts to control our borders are cruel and chauvinistic. Is it, then, too much to ask that immigrants learn to speak our common tongue?

The legislation at issue (the English Language Empowerment Act) is modest. Its "bias and bigotry" consist exclusively in requiring that government business be conducted in the language of the Constitution and Bill of Rights, the language in which the president takes his oath of office and in which congressional debates are conducted.

"It's unlikely that an immigrant could share our heritage and values without speaking our language."

If the current situation wasn't bad enough, the future bodes ill.

In 1994, the IRS printed half a million tax forms in Spanish. In 1993, the INS conducted a *citizenship* ceremony mostly in Spanish.

Between 1990 and 1994, the Government Printing Office

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produced 265 different foreign-language publications. The U.S. Postal Service has printed over one million brochures to help clerks communicate with customers in nine languages. (That three percent of the population which doesn't' speak English well really gets around.)

From here, there's a logical regression. If it's unfair to ask a new American to cast an English ballot, is it not equally oppressive to allow a monolingual political debate? Perhaps politicians should be required to set forth their agendas in several languages. Then Bill Clinton could lie to us in Laotian and Bob Dole could bore us in Arabic.

Rhode Island and Washington have officially declared themselves "multi-lingual states." Sen. John Breaux and Rep. John Hayes, both Louisiana Democrats, have introduced a constitutional amendment to guarantee "cultural rights" to all Americans. Presumably, these include the right to be coddled in the idiom of the old country.

As Theodore Roosevelt observed in the early years of this century, there can be no assimilation without language uniformity. "We have room for but one language here and that is the English language, for we intend to see that the crucible turns out our people as Americans ... and not as dwellers in a polyglot boarding house."

Designating English our official language is a baby step away from Babel. It's a move toward unity, or at least a nation in which we can discuss our differences instead of scowling at each other behind language barriers that could easily become roadblocks and checkpoints. □

Seeking Unity in Diversity

Bilingualism promotes separation

by Rolando Flores Acosta

MADRID

After House approval this month, the English Empowerment Act of 1996 awaits a Senate vote on a similar measure in September. [The Senate has adjourned without acting on the measure.] The bill, which would require the federal government to conduct most of its business only in English, has been consistently rejected by the civil rights lobby and openly criticized by academics and supporters of Spanish. Yet its provisions have already been adopted separately by 23 states, and seven other states are in the final stages of legislative debate on the subject.

Mr. Clinton supported a similar measure back in 1987 as governor of Arkansas, but if one passes Congress this fall he will most likely decide to veto it. He fears not that it would divide the nation, but that immigrants and Spanish culture supporters would respond negatively ahead of the coming elections.

Yet to reject this bill before weighing its advantages, as the Mexican writer Carlos Fuentes has also done, is quite wrong. Mr. Fuentes has erred seriously, I believe, in describing it as racist, xenophobic and fascist. Spanish speakers should disregard such paternalism and the instinct to overprotect our language. In the end, such attitudes can only harm those Hispanics they ostensibly seek to defend.

Of course, Spanish speakers all over the world should join constructive campaigns to promote our [Spanish] language. However, we cannot — and should not — see the English Empowerment Act as an anti-Spanish measure that seeks to discriminate against Hispanics or the Spanish language. Rather, this legislation would only help the Hispanic minority, and others, to integrate into American society.

To see why opposition to efforts like the English Empowerment Act leads to unworkable and ultimately discriminatory policies, consider

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***Rolando Flores Acosta** is an editorial writer for the Madrid daily* ABC. *This article is reprinted by permission from* The Wall Street Journal *of August 16, 1996.*

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the U.S. Supreme Court decision *Lau v. Nichols*. Ever since 1974, it has required that each educational district offer classes and special programs for non-English-speaking students. Tiny schools all over America have therefore been forced to take on the enormous financial burden of hiring Spanish-speaking instructors, and of modifying their school programs to facilitate an easy transition for non-English speakers to the Anglo system. Similarly, in states with large numbers of Hispanics, unemployment offices and other public offices must follow strict quotas mandating Spanish-speaking staff to allow everyone access to government services, as well as to prevent any imaginable discrimination. Every form, document and item of official information must be available in Spanish as well as in English.

But can we ignore the fact that more than 300 languages are spoken today in the U.S.? In Los Angeles, for example, there are more Mexicans than in any city other than Mexico City, and more Koreans than any place in the world but Seoul. In one L.A. school district alone, teachers have to gather and instruct students from 80 different nationalities, just 13% of whom speak English as their first language.

The inescapable questions, then, are these: In how many different languages should classes be offered? And public services? Would we not be discriminating against other minorities if only one or two languages were on offer? Should government adapt to the multitude of new languages and ethnic groups? Or should the new generations of minorities and immigrants learn English in order to integrate fully into American society?

Before answering these questions, supporters of official bilingualism need to consider their past failures. Arthur M. Schlesinger Jr. explained in *The Disuniting of America* how bilingual education at schools has retarded, rather than expedited, the movement of Hispanics into the English-speaking world. Placing students in transitional bilingual classes, ostensibly to move them as quickly as possible into mainstream English classes, has instead promoted segregation. This de facto apartheid generates antagonism and separatism, which only serves to emphasize racial differences and animosity among different groups — including, all too frequently, deadly gang violence.

Misplaced concern with identity politics has also corrupted university campuses, so much so that now Hispanic and black professors have laid claim to the teaching of Hispanic or black history, respectively. It's easy to imagine how this will inevitably lead to the absurd conclusion that only Hispanics can teach Hispanic history, only blacks African-American history, and only women women's

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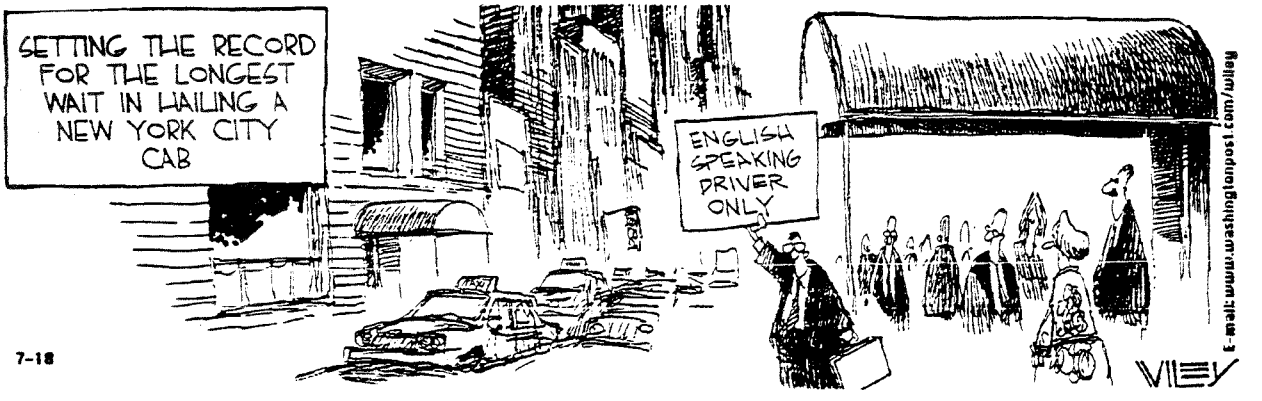

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history. No longer would students in America learn a sense of nation, of community, of *e pluribus unum.*

Wouldn't it be more advisable to seek unity in diversity, without dispersal, segregation or discrimination? Unity should not be seen as tantamount to rigid uniformity — which is rightly feared and rejected — but rather as an innate feature of American life, one that should exist in any pluralist society without the assistance of social engineers.

According to a document signed by the attorney general and the treasury, education and health secretaries recommending the presidential veto, the English Empowerment Act will not only be discriminatory but difficult to implement in those states where many immigrants cannot read English. That can only be seen as self-discrimination. The federal government would not be leaving out non-English speakers by not using their languages. Immigrants, on the contrary, would be the ones discriminating against themselves by not speaking English.

The only reasonable way to achieve the necessary compromise is to implement a unifying linguistic policy similar to that which has inspired the English Empowerment Act. This would be a law that would enable minorities to protect their political and legal rights and represent their freedoms, as well as their social and labor rights.

America's long-standing multilingual tradition is a natural, spontaneous phenomenon, a private practice encouraged by the state and exercised freely by society, not an artificial creation imposed on citizens by politically correct bureaucrats. The study of our language, and of Hispanic culture generally, can and should be encouraged in a number of other ways. Yet to claim that every citizen has a right to communicate with the institutions of the state in his native language would only lead us back to the Tower of Babel.□

The Culture Clash in South Central L.A.

Urban Blacks witness takeover by newcomers

by Terry Anderson

Pro-immigrant groups say the jobs immigrants are taking are jobs that black Americans don't want. Why is it then, that when you go outside Southern California or Texas — to Phoenix, say, or Washington — you see black people holding the same jobs they used to hold here in Los Angeles? Black people want to work. But the jobs they used to have, paying $5 to $7 an hour for unskillcd labor, now go to immigrants for $3 an hour.

In the late 1970s, I used to sell parts to body shops, and I knew Americans who were making $20 an hour repairing dented fenders. Now 95 percent of South-Central L.A. body shop jobs are held by recent immigrants making $7 or $8 an hour. People claim these savings are passed on to the consumer, but in most cases the savings go in the shop owner's pocket. In the meantime, taxpayers are footing the bill for services to immigrants, including education, which costs an average $5,000 a year per child in California.

Pro-immigrant groups avoid the subject of real jobs like those at body shops. They invariably bring up the question of who will pick the grapes if you stop

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***Terry Anderson** is a self-employed mechanic and a member of the national advisory board of the Diversity Coalition for an Immigration Moratorium, an affiliate of the Washington-based Carrying Capacity Network. This article is reprinted by permission from the* Los Angeles Times, *May 29, 1996.*

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"We have schools here that used to be 80 to 90 percent black and now ... are 80 to 90 percent Latino. As this trend spreads, blacks either can move to other neighborhoods or watch their children stuck in schools listening to Spanish all day."

immigration. It's true that Americans won't do that work for slave wages. If we tightened up the welfare system and paid Americans decent wages, those immigrants would not have to be brought in at all. There would be plenty of Americans who would either want those jobs or have to take them.

Today, teenagers can't get after-school or entry level jobs — something to put on a resume. When I was 16 and 17, I had jobs at McDonald's, Burger King, Jack in the Box. Now these jobs in L.A. are held by 30- or 40-year-old immigrants — 100 percent Spanish-speaking and probably 90 percent from Mexico.

We have schools here that used to be 80 to 90 percent black and now, after a period of 10 years, are 80 to 90 percent Latino. As this trend spreads, blacks either can move to other neighborhoods or watch their children stuck in schools listening to Spanish all day. Yet nobody speaks up for our children the way the pro-immigrant organizations do for immigrant children. As a result, our children are getting the equivalent of half a day of school. Why should our children be deprived?

My two-bedroom house near the Coliseum is worth about $100,000. A comparable house two doors away sold for $135,000 and the buyers put five immigrant families in it. A black family can't pay that and can't live like that. In the American culture, we have one family to a house. Each of my immigrant neighbors has seven or eight children, while we Americans have two or three. Before long, all these children are going to need a place of their own. Does a black homeowner have to put four families in the house and a fifth in the garage in order to survive? A for-sale sign in our neighborhood causes panic. We know who will get that house. There will be 20 to 30 people living in it, they will keep goats, they will grow corn in the front yard, they will hang their wash on the front fence. It's a culture clash.

If you speak up, you're called a racist. I am an American; I happen to be black. Immigration is a problem for all Americans whether Latino, Asian, white or black. We are all adversely affected.

In a New Yorker magazine poll published last month, 58 percent of blacks surveyed say conditions for black Americans are getting worse, and 59 percent agree that the American dream has become impossible for most to achieve. This situation can only worsen with every passing day under our present immigration policy.

Immigration is not an issue of race; it's an issue of numbers, and they must be drastically reduced. The only way to accomplish this is through an immigration moratorium. □

Immigrant Crashes

Four people were killed and 27 hurt in two crashes of vans packed with people suspected of illegally entering the U.S. Border Patrol agents in Honey Springs, Calif., 20 miles north of the Mexican border, watched a van filled with at least 20 people run a stop sign, officials said. Agents let it go, citing no-pursuit rules intended to prevent fatal crashes. Still, the driver missed a turn 5 miles west, smashed into three parked cars and went through a window at a service station. One person was killed and twelve were hurt. Seven people were arrested.

Three people were killed and 15 hurt after the driver of their Chicago-bound van fell asleep at the wheel while driving near Blanding, Utah, 10 miles north of Arizona, police said. The driver said the occupants were Mexicans who illegally crossed the border and were en route to Chicago.

— *USA Today*, June 13, 1996

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Dissenting Voices on Immigration

Not all can be dismissed as 'racist, xenophobic'

by Scott Winokur

An opinion page writer in the *Los Angeles Times [See previous article by Terry Anderson]* complained that a house near him was likely to sell for much more than his own would command, then be rented to immigrants and occupied by 20 or 30 people who raised goats and grew corn in the front yard.

"If you speak up," he said, "you're called a racist."

The writer was an African-American mechanic who opposes our nation's unrestrained, ill-considered immigration policy.

This policy — if it can be dignified by that word — is being hotly debated this summer. You can expect the debate to continue at a high-decibel level into November, at least in California.

Congress is trying to come up with a compromise immigration reform measure before the fall elections, when the quadrennial urge to sling mud and shamelessly pander will obfuscate everything.

Scott Winokur is a reporter for the San Francisco Examiner. *This article is reprint by permission from the July 16, 1996 issue.*

But regardless of what happens in Washington, look for Republican presidential candidate Bob Dole to do in this state what Gov. Wilson did in November 1994: to remind California that hundreds of thousands of immigrants here are being accused of taking jobs, using public services and occupying seats in classrooms from Brawley to Eureka.

Well, just as it took a Richard Nixon to make an opening to China, and just as it may take a Benjamin Netanyahu to make peace with the Arabs, it may take a member of an American minority group to say what many of us feel deep in our bones but are loath to express.

It's time for people to ask themselves if we can continue to sail our ship of state toward the uncharted waters of the 21st century carrying so large and unwieldy a cargo of immigrants.

Suzanne Feinberg of Orinda — a Clinton Democrat turned Perot Reformer — says we can't.

She says the current level of more than 1 million legal and illegal immigrants a year undermines education, over-burdens welfare, harms the environment, drives down wages, hurts competing members of other minority groups and is, in fact, opposed by many naturalized immigrants.

She says we're damned fools if we think we can invite everyone to party at our place and not have a catastrophic mess afterward.

> ***"It's time for people to ask themselves if we can continue to sail our ship of state toward the uncharted waters of the 21st century carrying so large and unwieldy a cargo of immigrants."***

Feinberg was born Yeh Lingling in Vietnam 43 years ago, the daughter of a Chinese rice mill owner. She grew up in Saigon, Cambodia, Taiwan and Paris where she obtained a law degree and planned to remain.

But the French kicked her out after her visa expired and she relocated to California, where she married a lawyer, went to work as a paralegal in an immigration law firm and founded the Diversity Coalition for an Immigration Moratorium.

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Like the black op-ed writer, the coalition has had the gumption to come straight out and say we've got a problem. It is seeking a moratorium that would reduce legal immigration from about 800,000 to 100,000 for five years.

I asked Feinberg/Yeh how she would respond to the charge that she is what some zealous immigration advocates might call a narrow, reactionary person — a bad person, politically.

Feinberg/Yeh said she tells such accusers that they're engaging in sophistry — making clever, plausible, but ultimately unsound and misleading arguments.

"They want to make it a racial issue. They want to make it white versus nonwhite. They want to make people feel that immigration-reform supporters are essentially racist and xenophobic." She added: "We are now the greatest debtor nation on Earth. We have at least 39 million people of all backgrounds who are living below the poverty line. Our schools are full. Our labor markets are overflowing. How many more should we take?

"If we keep impoverishing Americans by importing poverty and turning America into a Third World nation, would that increase America's ability to help Third World nations? Do we want America in 100 years to be as crowded as India is today?"

Answers to both questions are easy: no, and no. Answers to the underlying questions are infinitely more difficult, however. □

Limited Resources

An aquifer that lies below Mexico City, supplying two thirds of the water for the capital's 20 million residents, is running dry. To encourage conservation, the city has planned to meter use and charge residents for the water they consume. But the action has been repeatedly delayed for fear of political repercussions. Another problem is that nearly 30 percent of the city's water is lost to robbery or leakage from antiquated pipes.

— *Financial Times* of London
by way of World Press Review
May 1996

Immigrant's Molestation Sentence: Learn English

LA CROSSE, Wis. — A Southeast Asian immigrant who molested his young stepdaughters was sentenced to English lessons instead of prison, shocking the girls' relatives and members of the community. Family members complained the judge misunderstood the victims' position on punishmnet. And they expressed outrage at the suggestion from Sia Ye Vang's lawyer that sex with girls is accepted in Vietnam, where the Hmong immigrant came from.

Vang, 32, was found guilty of four counts of sexual assault for fondling the two girls beginning in 1992, when they were 10 and 11. He could have gotten 80 years in prison.

At sentencing, Judge Ramona Gonzalez decided to allow Vang "the opportunity to continue in his education and his assimilation into our culture." Vang received 24 years' probation and was ordered to continue English classes and perform 1,000 hours of community service.

Gonzalez said her decision was affected by Vang's consistent denial of the charges, his good standing in the Hmong community and the victims' request that he not go to jail.

"There is no doubt in my mind that something happened, and no doubt they hate him," she said. "But I am perplexed that these girls do not want him to go to prison despite the fact that their own father went to prison" on similar charges.

Vang's lawyer defended the sentence on cultural grounds.

"My argument was that he is from Vietnam," Katherine Schnell said. "Part of what happens in an agrarian culture, sometimes young girls are married and that may have been a carry-over in their culture. In our country that happened not too long ago, young women were coupled."

— By Diana Bisswurm for the Associated Press
Reprinted from the *Pittsburgh Post-Gazette*, August 29, 1996

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Is the Door Open Too Wide?

Congress is avoiding the real immigration issue

by Scot Lehigh

The immigration bill working its way through Congress is a prime example of doing the popular at the expense of the necessary. In focusing exclusively on stopping illegal immigration, lawmakers have avoided an issue at once more divisive and more fundamental: can the United States afford to admit 800,000 to 1 million new legal immigrants every year?

That question is directly linked to, but rarely discussed in conjunction with, the transcendent economic issues of the last few years: eroding wages, a growing gap between the rich and the poor, and the plight of the American worker in an era of economic anxiety. Instead, political pyrotechnics have overshadowed any rational discussion of immigration and its economic effects.

On the right, conservative Republican firebrand Pat Buchanan clouds the cause of overhauling immigration policy with nativist sentiments and open mocking of immigrants. On the left, the politically correct platoon greets proposals for reducing immigration with charges of xenophobia and immigrant bashing, as Wyoming's Republican U.S. Sen. Alan Simpson discovered when he spoke on the subject at Harvard in March. In the middle, sensible voices have gotten lost.

A year ago, a bipartisan commission chaired by the late Texas congresswoman Barbara Jordan concluded that the nation's current high level of immigration contributed to the declining earnings of less skilled American workers. In a nutshell, high immigration has hurt American workers by increasing the supply of unskilled labor, thereby depressing the wages American workers are paid — or displacing them altogether. The Jordan Commission proposed changes designed to phase down legal immigration from the current level — a yearly average of 773,000 from 1981 to 1990, some 1.1 million from 1991 to 1994 — to about 550,000 a year over five to eight years.

> A growing body of evidence suggests high immigration depresses wages for unskilled workers. The dynamic is as simple as supply and demand. ... the nation's immigration policies have contributed to an excess of labor.

At the time, President Clinton offered lavish praise of those recommendations. Then, in January, Jordan died, and with her passing, the commission's recommendations lost momentum in the face of heavy opposition from big business. In March, Clinton flip-flopped, sending word to Congress that he no longer supported proposed reductions in legal immigration. As a result, any real chance of limiting legal immigration this year has been lost. The most that will happen this year will be a heightened crackdown on illegal immigration, which totals an estimated 300,000 to 400,000 people annually.

A consensus exists for trying harder to stem the tide of illegal immigration. Increasingly, however, specialists say the economic effects require the United States to rethink policies that now give us the highest level of legal immigration in the world. The first argument high-immigration advocates adduce is usually a reference to America's history as a nation that welcomed a huge influx of new people. But as journalist Roy Beck documents in his new book, *The Case Against Immigration*, that's a misreading of history. Only in the period from 1880 to 1924, the so-called Great Wave when immigration levels hit an annual average of 584,000, did yearly immigration consistently approach today's levels. After the Immigration Act of 1924, the

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***Scot Lehigh** is a staff writer for the* Boston Globe. *This op-ed appeared in the June 23, 1996 issue and is reprinted by permission.*

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yearly average fell to 178,000.

Nor was a return to high immigration levels the intent of the Immigration Act of 1965, the law that established the basic framework for current policy. Although Congress hoped to distribute visas more fairly, lawmakers offered assurances the United States wouldn't return to an era of high immigration.

"Our cities will not be flooded with a million immigrants annually," said Massachusetts' Democratic U.S. Sen. Edward M. Kennedy, then chairman of the Senate subcommittee on immigration, in February 1965. "Under the proposed bill, the present level of immigration remains substantially the same."

"...a new study [shows] that economic inequality in America is growing at an ever-widening rate."

But today's immigration levels are four to five times higher than those of the early 1960s. New research by Harvard economist Jeffrey B. Williamson and English economist Timothy Hatton suggests that high immigration has always had serious labor-market ramifications, particularly for lower-skilled workers.

The two men studied the high yearly immigration to this country between 1870 and 1910. Their conclusion: absent the massive wave of immigration in that period, wages for unskilled workers in 1910 would have been 10 percent higher. During the same period, Williamson says, immigration from low-income nations to high-income nations was responsible for much of the progress the former made in closing the wealth gap with the latter. In contrast, from 1925 to 1970 — a period all but for the last five years of which immigration was restricted to 178,000 a year — the opposite tendencies showed: large gains by U.S. workers contributed markedly to reducing economic inequality.

The higher rates of immigration since 1965 have helped reverse that trend. On [June 19], the Census Bureau released a new study showing that economic inequality in America is growing at an ever-widening rate.

"I don't think there is any way you can explain the rise in inequality without migration's playing a significant role," Williamson says. Logically, immigration levels should be determined not by history or myth, but rather by the needs of a nation's *economy*.

Although there remains sharp disagreement about the overall economic impact of immigration, a growing body of research suggests high immigration depresses wages for unskilled workers. The dynamic is as simple as supply and demand. With America experiencing only moderate economic growth, the nation's immigration policies have contributed to an excess of labor. Loose labor markets, which see workers vying for jobs rather than employers competing for employees, always spell lower relative wages. In tight labor markets, where employers must pay decent wages to keep workers, economic competition means more training and greater investment in equipment to increase productivity. Mistreated or underpaid workers have plenty of opportunities elsewhere, a reality that acts as a check on corporate behavior.

But the loose labor markets that high immigration helps create lead to quite different behavior. In his book, Beck documents the way employers have used cheap immigrant labor to slash pay or worsen working conditions in blue-collar jobs such as meat cutting, poultry processing and janitorial and agricultural work.

"High immigration rewards the most ruthless employers by making it possible to compete simply by reducing wages and worsening working conditions," Beck says. By putting conscientious companies at a competitive disadvantage, "it punishes the kind of responsible corporate citizens Clinton, [Labor Secretary Robert] Reich, and Kennedy say they want more of."

Economist George Borjas, an immigration specialist at Harvard's John F. Kennedy School of Government, says economists increasingly acknowledge the harm done to unskilled labor. "Most studies say that if you look at the decline of real earnings of less skilled workers in the last 10 to 15 years, which is substantial, maybe 20 to 30 percent is attributable to immigration," Borjas says.

If immigration contributes to low wages, why has Congress been so reluctant to reduce legal immigration? Part of the reason seems to be the relative political power of the winners and losers that result from immigration. By

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depressing workers' wages, high immigration essentially effects a redistribution of wealth from the less well off to the wealthy. Borjas estimates that the wage depression effect of high immigration benefits employers, the overclass and other users of immigrant services to the tune of $140 billion a year.

Who is hurt? The clearest losers are unskilled workers, particularly high school dropouts. David Jaeger, a research economist at the Bureau of Labor Statistics, has studied the effect of immigration in the country's 50 largest metropolitan areas, where an estimated 80 percent of immigrants locate. Although Jaeger found a relatively small overall effect, he says immigration accounted for as much as half of the real-wage decline that high school dropouts suffered between 1979 and 1989, and for one-fifth to one-quarter of the growth in the wage gap between workers with high school diplomas and those who finished college.

One particular group that suffers seems to be unskilled black workers, whom Beck found were disproportionately displaced by immigrant labor. Economist Marshall Barry, former director of applied research at Florida International University's Center for Labor Research and Studies, cites Florida's agricultural sector as an example. In 1970, for example, 88 percent of agricultural workers in Florida were US-born blacks. Today, 80 percent are immigrants from Mexico, Haiti and other Caribbean nations.

Part of that displacement comes because immigrants are willing to accept lower wages than native workers. From 1967 to 1987, Florida agricultural wages, when adjusted for inflation, were halved, Barry said. Beck and other specialists say part of the reason blacks suffer in particular is that discrimination too often consigns unskilled black workers to the end of the hiring line — and high immigration makes that line ever longer.

A second group that suffers from present immigration is past immigrants struggling for an economic toehold. An economy that continues to shed the type of manufacturing jobs that once lifted noncollege-educated workers into the middle class only worsens the problem.

"The real question," says Beck, "is that, given the fact that wages are stagnating or depressed, does it really make sense to have a federal policy that exacerbates that trend by increasing the surplus labor supply?" □

No Need for Illegal Workers

...to make sure we keep eating our vegetables

by Mark Krikorian

Illegal immigrants make up a significant portion of the work force in the production of fresh fruits and vegetables. Credible estimates, including the Labor Department's National Agricultural Workers Survey, put the figure at one quarter or less.

Whenever discussion focuses on controlling illegal immigration, as it is now in Congress and on the presidential campaign trail, people begin to ask: If we cut off the supply of illegal workers, how will we afford fresh produce? Won't tomatoes rival steak in price, and salad be reserved for the very rich?

Lobbyists for growers who use illegal immigrants are happy to hear these questions asked. If the public thinks the affordability of food depends on illegal immigrants working in the fields, it is less likely to support vigorous immigration law enforcement. Or, at the least, people will be sympathetic to calls for a guest-worker program, whereby foreign farm workers would be imported for seasonal work if the supply of illegal immigrants is cut off.

Although the House recently voted down an amendment to its immigration bill that would have established a guest-worker program, the Senate is scheduled to debate its illegal immigration bill next week [mid-April] and may yet consider such a measure.

Mark Krikorian *is executive director of the Center for Immigration Studies in Washington, DC.*
This op-ed is reprinted by permission from the April 9, 1996 edition of the Chicago Tribune.

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But is it true that illegal labor is needed to put food on our tables? Although some agricultural economists have come up with informal, back-of-the-envelope estimates on the impact on supermarket produce prices when illegal immigrants are barred from the agriculture industry, the Washington, D.C.-based Center for Immigration Studies recently released an analysis of this issue.

The study found that even a sudden transition to an all-legal non-guest-worker farm work force would be a non-event for consumers. Price increases would be small and shortlived — less than the seasonal fluctuations that occur naturally.

Specifically, price increases would depend on the season, according to the study's authors, economists Wallace Huffman and Alan McCunn of Iowa State University. During the summer and fall, when most fresh fruit and vegetables in the stores are domestically grown, prices would be about 6 percent higher for the first one or two years, and after that transitional period would level off at about 3 percent higher than what they would have been.

In the winter and spring, the initial impact would be under 4 percent, then settling to less than 2 percent. (At my supermarket in Manassas, Va., that would mean tomatoes would see an increase of 3 cents over this week's price of 78 cents per pound.)

Note that these modest price increases would be counter-cyclical — that is, they would be greatest when prices are naturally lower (summer and fall) and least when prices are naturally higher (winter and spring).

In any case, even these results are probably exaggerated. In real life, illegal immigrants would not magically be removed all at once — their proportion of the agric:ultural work force would gradually decrease over a period of several years as law enforcement improved, allowing time for growers to adjust.

"The study found that even a sudden transition to an all-legal non-guest-worker farm work force would be a non-event for consumers. Price increases would be small ... less than the seasonal fluctuations that occur naturally."

Nor would imports of fresh fruits and vegetables explode: the study found that they could be expected to increase by a mere 1 percent.

So who would pick the tomatoes? Despite the increase in wages that would result from cutting the supply of illegal workers, growers' spokesmen are correct in saying that unemployed Americans not already familiar with farm work are unlikely to be attracted.

Freshman economics tells us what would happen. First, growers would use the now-limited resource of labor more efficiently, in contrast to the notoriously wasteful practices they've grown accustomed to, thus drawing in many unemployed and under-employed farmworkers. In addition, growers would do what other businessmen do when faced with a finite supply of labor — mechanize.

If removing illegal workers from agriculture would have no discernible impact on consumers, and would not lead to a surge in imports, then what rationale is there for guest-worker program? The only remaining argument for such an arrangement is that it would help maintain the profit margins and market shares of certain American corporations by expanding the supply of farmworkers and thus keeping wages low. This may be reason enough to institute what amounts to a new farm subsidy.

But whatever benefits might accrue to growers would have to be weighted against an unavoidable increase in illegal immigration; a reduction in the educational attainment of our work force; the retardation of technological development in agriculture; the deterioration of wages and working conditions in agriculture as more workers chase fewer jobs; and ever-higher social welfare expenditures for the throngs of idle farm workers.

Whatever decision Congress makes ought to be based on fact, not anecdote or supposition. And one prominent fact is that neither illegal immigrants nor guest-workers are needed to make sure we keep eating our vegetables. □

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America's Trojan Horse

Quiet acceptance of current immigration policy

by Donald A. Collins

Those of us who — since the 1970s — have been looking with apprehension at the phenomenon of too many immigrants coming into our country for its own good, are faced with many enemies.

The professional race mongers such as the head of the ACLU find that because we don't want everyone to come here, we are racists. LULAC and others, including several U.S. foundations and the Vatican, take the same stance. When we say that the arrival of mostly unskilled immigrants only hurts our poorest, often black, citizens, or our youngsters willing to take low pay to get started in the work place, such adversaries only think we are lying.

After all, in our hearts these folks tell the world, we really only want, if any must come, white Western Europeans like our majority before 1965's disastrous new migration law was passed. Ergo, we are xenophobes.

***Donald A. Collins**, a free lance writer from Washington, D.C., is a news junky who finds little mention of the above point of view in his daily media diet. This op-ed appeared in the Greensburg (PA)* Tribune Review, *September 8, 1996.*

And then, from all-wise, all-powerful business types such as 40-year-old Bill Gates, we are anti-libertarian, perhaps the worst charge, since only by getting in the best and brightest from overseas can we maintain global supremacy — by-passing our own young talents — and training Indians and others in our latest technology — so they may return home to India with the technology to knock our socks off, even if they are paid in the interim on average half or less than the going wages required by comparable U.S. citizen employees.

The same thing that got the Trojans will get us. Greed and stupidity. Here we are, spending billions for weapons, standing military forces, swat teams, drug enforcement, etc. Yet, we have happily brought into our nation since 1965 an increasing stream of immigrants, who like the Greeks of the Iliad, quietly wait as our leaders claim that immigrants add endlessly to the economy without taking benefits, both untrue. So we take the bait of cheap labor under cover of the darkness our leaders keep us in — labor which, when taken home, will take our technology, and leave us the world's poorest and most useless, and thus permit the quiet conquest of the greatest nation ever created.

While we continue to ignore the irrefutable demographics of the growing cancer of immigration, our kids and grandchildren will suddenly awaken, perhaps 25 to 50 years from now, and see that the uniqueness of our culture and the brilliance of our economic system have been spirited away, having pillaged our competitiveness, our technology, and our national spirit.

"Businessmen who use cheap foreign labor ... use this argument: what are borders, what is nationhood, what is the world but one big happy integrated McWorld?"

Finally, those of us who can read — apparently those with a true sense of our national interest and the ability to read are few — we who see this new Trojan Horse clearly are identified as being against the free market system, which everyone from Milton Friedman on down knows will solve all our problems, if only left unfettered.

Businessmen who use cheap foreign labor, including many of

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our elite who want to hire domestic help, use this argument: what are borders, what is nationhood, what is the world but one big happy integrated McWorld?

Two recent books are worth reading. One, *The Case Against Immigration* by Roy Beck. (W.W. Norton, 1996) gives all the above arguments. The other, *Jihad vs. McWorld* by Benjamin R. Barber (Times Books, 1996), points out the startling conflict between fanatical extremism and world business greed, both leading relentlessly to a loss of democracy as Americans know it today.

Our future is on the line: The Trojan Horse is already inside the gate. We are looking at its apparent attractiveness, beguiled by its apparent beauty and friendliness. "Immigrants are much more scrappy and willing to work than Americans," according to one libertarian on a talk show I heard recently. We are about to fall asleep as the Dow hits new highs, our main political parties assure us all is well and that we are not already fiscally bankrupt. Our public infrastructure is seedy and our health care and social security are nearing bankruptcy, but we are told they will be fixed easily, and above all, that we need not suffer any pain to fix the follies of 60 years of wild government spending and resource-wasting. And we want so badly to believe.

Outside, in the real world of death and tyranny, not analyzed as such on the screens of our fabulous TV sets, the population of the world grows from 2 billion in 1930 to 3 billion in 1960 to 6 billion in 2000 to 12 billion by 2050. All the wars of the 20th Century killed 100 million — curiously the same number of net new people added *yearly* to our planet now. Of those, 80 million are born in countries with per capita incomes at or lower than that in Mexico; we let in 1 million legal and illegals now, which means a U.S. population of 400 million vs the present 265 million by 2050!! Many outside the U.S. and the West have proved they are willing to die to get into the USA. Only 50 percent of us even vote in national elections and the power of money has bought off almost everyone, including our elected officials, who are no better or no worse than those who vote for them. After all, we are rich, we are safe, we are happy. And we are looking bemusedly at the Trojan Horse of immigration, which insures our decline like all the civilizations before us ... or are we? It's your call, folks. □

Illegal Immigrants

Let's not make them into 'celebrated martyrs'

by Linda Bowles

A pickup truck packed with 21 illegal immigrants sped through a border checkpoint near San Diego. They led the police of Riverside, Calif., on a wild and dangerous 80-mile chase along crowded highways. During the chase, they threw various objects on the highway, including parts of the truck itself, in an attempt to wreck the pursuing police car.

When finally apprehended, those in the back of the truck scurried down an embankment and into the brush. Two illegal immigrants in the front seat were pulled out and pummeled with aluminum batons for 15 seconds by the arresting officers.

There are two issues here: police brutality and illegal immigration.

There is little point in dwelling too long on the apparent overreaction of a couple of California sheriff's deputies. The FBI and other government officials have been dispatched to find out if rights guaranteed to illegal immigrants by the U.S. Constitution have been violated. The president of the United States has expressed his concern. The Mexican government has lodged a protest. The American Civil

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Linda Bowles is a syndicated columnist. This article is reprinted by permission of Creators Syndicate, ©1996.

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Liberties Union and lawyers who specialize in the rights of illegal immigrants are preparing lawsuits. The Mexican Political Association, the Coalition for Humane Immigrant Rights of Los Angeles, the Mexican American Legal Defense and Education Fund, the National Council of La Raza, and a vast network of assorted Mexican organizations in California have sprung into action.

All of this is to say that the two arresting officers will be tried as many times as is needed to convict them. This is necessary for two reasons: to assuage troubled liberal consciences, burdened with pervasive guilt over God knows what unrepented sins, and to prevent riots.

There is not a shred of evidence that this sorry episode had anything to do with race. It was simply a confrontation between law officers and law breakers. Nevertheless, left-wing political opportunists will bullhorn a familiar message: policemen are routinely brutal to minorities, America is a racist nation, and opposition to immigration, illegal or otherwise, is rooted in bigotry.

"The people of California are angry ... at being compelled by federal law to provide illegal immigrants free medical treatment, free public education, and other costly services."

However, the real problem highlighted by the incident on the California highway is illegal immigration.

When the word "immigration" is heard in places like Illinois and Indiana, and apparently in Washington, D.C., the Hollywood-implanted mental image is often that of some newly arrived immigrant — let's call him Antonio— standing on the deck of a ship, awestruck when he first sights the Statue of Liberty.

Tony's eyes fill with tears. He puts his hand over his heart and falls to his knees, overcome with gratitude and happiness. He can't wait to get a job, work hard, learn the language and become an "American," indistinguishable in every way from all other Americans.

In California, the word "immigration" has a slightly different connotation.

More than 7 million people presently living in California were born in foreign countries. Between 2 and 3 million of them are here illegally. Their sheer numbers have generated a bottomless pit of human need.

The overload is feeding street gangs, filling jails, fueling anti-American multiculturalism, depressing wages, swamping the educational system, flooding social services, populating ghettos and provoking racial separatism.

Over half of the cocaine smuggled into the U.S. comes through the Mexican border.

Sixty percent of the births in the community hospitals of Los Angeles are to parents illegally in this country.

Approximately one million students in California public schools have little or no knowledge of the English language. California's schools, once a paragon of excellence, are now among the worst in the nation.

The people of California are angry that immigration laws are a farce, and they are angry at being compelled by federal law to provide illegal immigrants free medical treatment, free public education and other costly services.

It is true that illegal immigrants can't legally collect welfare or receive food stamps, but hundreds of thousands of them do, using beautifully forged documents, the manufacture of which is a thriving industry.

Illegal immigration flourishes and festers because some politicians don't want to interfere with a source of cheap labor and because cowardly politicians allow themselves to be shut up and shouted down by cries of racism and bigotry.

If political cowardice holds true and nouveau American justice obtains, the two officers involved will be thrown to the mob and the two illegal immigrants who broke a dozen laws will not be charged. They will instead become rich and celebrated martyrs of a successful invasion from south of the border. □

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Asian-American: A New Identity

Student sit-ins may signal a growing militancy

by Scott McConnell

This season's Columbia student protests — a sit-in at a dean's office, a two-week fast by demonstrators on College Walk and, finally, an invasion of the central university administration building — should set off alarm bells.

The purpose of the disruption was to compel Columbia to create an Ethnic Studies department for Latinos and — far more significantly — for Asian-Americans. (Similar demonstrations had been held earlier at Princeton.)

While it is easy to dismiss the events as yet another manifestation of the "spring is here, time to seize the administration building" syndrome, far weightier issues are at stake.

A lengthy article by Normitsu Onishi in *The New York Times* last week argued that the protests were one of several recent manifestations of a burgeoning new sense of *racial* identity among Asian Americans — a qualitatively new phenomenon, and one very much at odds with the patterns through which previous generations of both Asian and European immigrants adapted to life in the U.S.

What is new is certainly not that some members of the so called "model minority" put aside their calculators to storm a college administration building.

> The present multiculturalist interlude is no more than a way-station along the route to a future of intensified communal competition and strife, in which the words "assimilation" and "mainstream" have lost all their meaning.

Twenty-four years ago, Columbia was host to a strident student strike and building seizure — the issue then was Richard Nixon's "re-escalation" of the Vietnam war. The leaders of that protest were a Chinese-American couple, committed to Maoism and the overthrow of capitalism and imperialism.

(To this day, I have a difficult time imagining that these two, whose every step and gesture conveyed asceticism and selfless dedication to the cause, would ever turn in their little red books for American Express cards.)

What is without precedent, then, is not "activism" but the explicitly racial consiousness said to be driving it. Twenty years ago, the son or daughter of Asian immigrants might have felt torn between parental expectations of conformity to the style and habits of a traditional *national* culture — Chinese or Korean or Japanese — and assimilation into the wider American mainstream.

Now reports the Times, the "American" identity that an increasing number of second and third-generation Chinese and Koreans are adopting is a pan-Asian one, fermenting in student clubs organized on a racial basis.

On campus, these groups are inclined to demand not the opportunity to study the rich culture of China and Japan (which require the mastery of difficult languages) but chances to study an allegedly unique Asian experience in the United States.

The activist scholars who teach such programs often intend to create a generation of Asians who, as Onishi puts it, have "antagonistic attitudes towards white Americans" — and, where possible, to fuse this new pan-Asian current with blacks and Latinos into an anti-white front.

Scott McConnell is a syndicated columnist. This article appeared in the New York Post *on June 5, 1996 and is reprinted by permission.*

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It surely is too soon to say whether the Times is simply wrong — whether, in fact, Asians actually are following the same assimilationist patterns of other immigrants, characterized by a gradual loosening of ties to an ancestral homeland and the adoption of new American identity.

Weighing against the "racial identity" hypnosis is the fact that Asian-Americans intermarry with whites in substantial numbers, producing families that are at once faintly "multicultural" and mainstream American. Clearly, some rigorous sociological research is needed in order to determine the direction that Asian immigration actually is going.

But a few points can still be made now. It has long been true that the remarkable success of Asian immigrants — in small businesses that have revitalized urban areas, in technology and the sciences, in classical music — has been a strong argument of those who believe that massive, racially diverse immigration might actually be good for the United States.

There *are* some problems — the emergence of China-based organized crime is certainly worrying. But thus far the balance of Asian immigration has been unmistakably positive.

It is possible further to argue that the neo-Confucian culture of contemporary northeast Asia — its emphasis on family life and tendency towards modesty in individual comportment — complements American-style individualism very well. Indeed, it could easily be maintained that the greater social discipline that seems to characterize most Asian societies is exactly what the U.S. needs to temper its own garish and libertine MTV culture.

Add the fact that Asian in general (unlike blacks and, so it is often claimed, Latinos) have no weighty historical grievances or scores to settle against the U.S. and one has a recipe for a successful immigration.

However, the unstated but necessary premise of this argument is that accelerating numbers of Asian immigrants will assimilate — that they will, after a generation or so, come to view themselves every bit as American mainstream as, say, Mario or Andrew Cuomo.

But what if this emphasis is false? If so, then the new emphasis on creating separatist Asian-American enclaves on campus sounds like a fire bell in the night, warning of a very troubled future.

Instead of assimilation, what may be in store is what *Village Voice* writer Lawrence Chua stated in his review of *Alien Nation,* Peter Brimelow's pause-in-immigration manifesto. Writes Chua of Brimelow: "His fear is justified. We will bury him."

The bleak thought is that it can be no other: the present multiculturalist interlude is no more than a way-station along the route to a future of intensified communal competition and strife, in which the words "assimilation" and "mainstream" have lost all their meaning.

Give the U.S. another decade or so of high Third World immigration into a political culture in which every non-white group finds it rewarding to press its interests along explicitly racial lines.

See what the future holds. □

Views of Youth on Immigration

Recently, the Horatio Alger Association commissioned a study entitled "The Mood of American Youth," which surveyed almost 1,000 students between age 13 and 17. Three questions related to immigration and population were:

1. "Our government should increase security along the Mexican border to keep illegal immigrants out of the country." 54.7 percent strongly agree, and 83.5 percent of the total agree.
2. "Legal immigration to the United States should be reduced." 37.7 percent strongly agree, and 67.3 percent of the total agree.
3. Overpopulation ranked as the fifth "most important current world problem."

The study can be obtained through
The Horatio Alger Association
99 Canal Center Plaza, Alexandria, VA 22314

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Russian Jews Ponder U.S. Welfare Reforms

by Lev Krichevsky

MOSCOW

Mikhail, a 62-year-old journalist in Moscow, has been planning to immigrate to America for several years. He was ready to settle in Maryland, where his elderly mother, as well as a younger brother and sister, have lived since the early 1980s. But now that President Clinton has signed welfare reform legislation that will affect new immigrants, Mikhail is reconsidering his move.

"I don't know what to do now," said Mikhail, who asked that his full name not be used. "I received many calls from my relatives and friends in America who are clearly worried that if I come today, I might have a rough time there," said Mikhail, whose immigration papers are all set.

The newly enacted and highly controversial welfare reform legislation has already sent alarm bells through Russian emigre communities in the United States.

The bill also has sparked concern in the organized American Jewish world, where officials worry that they will be faced with having to make up for the loss of benefits to Russian Jewish emigres.

Here, in Russia, the new legislation received little coverage in the news media, but would-be emigrants are hearing about the possible consequences from relatives in the United States. They are also turning to local sources to glean whatever information they can.

Despite the scare, the new welfare legislation is not likely to reduce the number of Jews emigrating from Russia to the U.S., according to Mikhail Chlenov, president of the Jewish Confederation of Russia. The reasons behind Russian Jewish emigration are such that not many people would change their mind because of the bill, he said.

"Those who are coming to America these days wish to be reunited with their families or to improve their social and economic status," said Chlenov. In addition, he said, some Jews are influenced by an "old Russian Jewish myth about America as a golden land."

Still the situation of Mikhail, the journalist, illustrates the dilemma of many would-be immigrants who expect to qualify for some form of government assistance and now wonder how they will cope.

Mikhail, who suffers from diabetes, said he is afraid of being denied access to Medicaid, which is for him the most important benefit he would receive after moving to the U.S.

Most Russian Jews now immigrating to America come as refugees, categorized as such because they have demonstrated a well-founded fear of persecution because of race, religion, nationality or social or political ties. Refugees will be affected by the new welfare law five years after their arrival in the United States. That is when their special, protected status expires.

That status enables them to receive eight months of government refugee assistance after their arrival and then to apply for a range of other benefits.

Under the new law, if refugees like Mikhail do not opt for citizenship or fail to obtain it after five years, they will be barred from S.S.I., food stamps, and other programs from which states may choose to bar legal immigrants.

The new welfare law will have an even more immediate impact on future legal immigrants from the former Soviet Union who are not classified as refugees. An increasing number of Russian Jews are expected to leave for America as immigrants because their immediate relatives already living in the U.S. are naturalized and are able to support them, according to Clenov. □

Lev Krichevsky is a freelance writer. This article is excerpted from a longer report to Washington Jewish Week, *September 12, 1996.*

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Immigration: A Moral Issue

How do we balance the rights of the individual against the claims of corporate society?

Book Review by Gregory Pavlik

In his new book, *The Immigration Mystique*, Chilton Williamson takes up the subject of mass immigrations to the United States on several levels. One of the most impressive features of the book is the author's refusal to treat the issues raised by the United States's immigration policy lightly. Mr. Williamson treats immigration as a moral issue, subject to competing moral claims. He avoids the trap of spitting economic statistics coupled with epithets at his opponents, a modus operandi all too common among advocates of immigration.

Significantly, Mr. Williamson's book is one of the first in recent years to draw prominently on the restrictionist literature of the early twentieth century. His work is heavily influenced by the earlier writings of Henry Pratt Fairchild and other critics of the "old immigration" of Eastern and Southern Europeans of non-Anglo-Saxon stock. (Williamson does avoid reference to restrictionists who based their objections to immigration on racial grounds. This seems to give short change to history — President Harding testified to the influence of Madison Grant's *Passing of the Great Race* in his views against immigration.)

Insofar as Williamson deals with immigration as a subject in and of itself, he goes a step beyond being a critic of current policy. The result is a bold and comprehensive essay, dealing with the topic of immigration as an agent of social and political transformation.

The first portion of Williamson's book deals with the history of American immigration. It is, as he shows, largely dominated by the myth, propagated in this century, that America was built on the foundation of open borders and immigrant cultures. It is the author's contention — which he amply supports — that America, far from being the result of widespread immigration from disparate nations, was the result of the colonial experience of Great Britain. The early British colonies assumed the right of restriction, through which they were essentially able to maintain their unique characters. Challenges to the colonies' restrictionist tendencies originated almost entirely with the mother country, which wished to use the colonial territories for purposes alien to the interests of the colonists.

The Immigration Mystique: America's False Conscience
by Chilton Williamson, Jr.
New York: BasicBooks, 1996
202 pages, $23.00

In a related vein, the formative political and cultural institutions of the young United States were British; major regional variations still discernable today were, as David Hackett Fisher points out, the result of a heritage directly traceable to separate migrations from the British Isles. And Mr. Williamson shows that many of the prominent figures among the founding generation, from Jefferson to Washington, were either ambivalent or hostile toward immigration, the result of which they imagined would be the destabilization of the common ethnic and cultural make-up with which John Adams believed Providence had blessed the new nation. Yet the early national period was relatively free from acrimony with regard to immigrants if only because they were so few. As Williamson points out, from 1783 to 1820, "an average of ten thousand aliens arrived annually in the United States." By the 1830s, the stirring of the nativist movement could be heard, objections mainly based on the culture shock produced by large numbers of immigrants arriving in America's cities. Americans, in short, never experienced a period in the republic prior to the Civil War in which the noticeable effects of immigration were unaccompanied by its opposition.

***Gregory Pavlik** is editor of* Forgotten Lessons: Selected Essays of John T. Flynn *(Irvington-on-Hudson, NY: Foundation for Economic Education, 1995) and former associate editor of* The Freeman. *He now writes from Denver.*

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One of the after-effects of the Civil War noted by Williamson was the establishment of the "propositional" definition of American citizenship. President Lincoln justified the pursuit of his war against the Confederacy not only by a previously unrecognized appeal to "Union" but also by the notion that America is dedicated to the proposition that "all men are created equal" and are the recipients of certain metaphysically-defined "unalienable rights." This undermined the special nature of American political rights, previously understood as an inheritance of British civilization. This transformation within American politics — which matched closely the definition of what the twentieth century classical liberal Garet Garret called a "revolution within the form" when analyzing the New Deal — would have a significant impact on later discussions of the morality of immigration. In a circular irony of history, immigration would also serve to buttress this new national myth. After all, the increasingly heterogeneous population of the United States could hardly be expected to identify with an exclusively British political inheritance. This new abstract and universalized conception of political citizenship and rights — essentially a throwback to the Jacobinism of the French Revolution — became the basis of the immigrationist belief in the oxymoronic "universal nation."

"The fact that immigration significantly contributed to the transformation of the public understanding of what it means to be an 'American' was not lost on the critics of mass immigration earlier in this century."

The fact that immigration significantly contributed to the transformation of the public understanding of what it meant to be an "American" was not lost on the critics of mass immigration earlier in this century. As mass immigration helped to buttress the political foundations of an increasingly imperialistic and industrialized United States, it also affected the culture, which increasingly reflected the proletarianization and commercialization produced largely by lower class immigrants. Williamson echoes this in his work:

> *immigration produced levels of cultural, ethnic, and racial diversity that gradually, almost imperceptibly, have partially reconstructed the American nation. For most of this the Old — not the New — immigration is responsible.*

By pointing out the transforming power of mass immigration involving those with relatively closely related civilizational backgrounds, the author provides the historical background against which we can expect to judge the effects of current immigration from the Third World.

Williamson's historical discussion is a convincing revisionist indictment of current orthodoxy. One particular element stands out as a universal among those historically opposed to large-scale immigration. He makes clear that the advocates of restriction were careful to delineate between hatred of foreigners and the fundamental right of self-preservation. This is a powerful appeal, which illustrates the author's contention that immigration is ultimately a moral problem, balancing the rights of the individual against the claims of corporate society. That those most closely opposed to the historically definable corporate society within the United States are also among the most vigorous proponents of the open borders doctrine is significant. Williamson quotes Lawrence Auster to the effect that in many respects contemporary multiculturalism is the child of mass immigration.

Of course, this essay is more than a historical sketch. The bulk of the presentation within *The Immigration Mystique* deals with today's "immigration crisis" (Williamson's words). If in some ways the Civil War was a watershed event with ramifications for policies relating to the Old Immigration, the hegemonic dominance of Cold War liberalism was certainly the foundation on which policy relating to the New Immigration of the late twentieth century was built. The defining event of the New Immigration was the 1965 immigration act, which was the culmination of social trends promoted under the aegis of modern liberalism. Williamson points out, for example, that the 1965 act was rooted in the civil rights movement, which commanded a good deal of moral prestige in opposition to discriminatory policies. He also argues that whatever moral debt may have been owed to American blacks, that debt could not have been owed to foreign immigrants, who were, after all, external to the American historical experience.

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Indeed, there were other considerations that impacted the immigration debate prior to passage of the 1965 act. Cold War liberals demanded reform of immigration policies to avoid offense of Third World countries that might be tempted to ally with the Soviet Union if the U.S. government appeared to be hostile toward non European peoples. While secretary of state, Dean Rusk argued that the discriminatory policies of the United States with regard to immigration were one of its most damaging weaknesses in the eyes of the Third World.

Whatever combination of factors led to the passage of the 1965 act, the result has been, as Auster and Peter Brimelow have recently emphasized, demographic madness. Immigration has increased in numbers and many of the immigrants are radically estranged from the main-stream of American culture, which itself has been redefined through immigration. The book deals with both aspects of these trends.

One of the most intriguing arguments that Williamson puts forth against mass immigration, and one that he holds to be "the most persuasive," is environmentally based. Here, I think also, is the most underdeveloped argument in the book. In two sections, the author deals with both the subject of population pressures and the environmental impact of immigration. With regard to population movements, he raises some important observations. For example, he quotes Virginia Abernethy to the effect that the "prospect *alone* of immigration has pronatalist effects on sending countries," hence increasing population pressure in already overpopulated countries.

But while rightly noting the hesitancy of environmentalists to criticize immigration, Mr. Williamson doesn't make much of a case with regard to the relationship between immigration and the destruction of natural resources. Much of the section on the environment contains Malthusian predictions with little in the way of supporting evidence. That is not to say that the environmentalist objection to immigration is necessarily wrong; the reader simply has no way to judge.

The converse position that resources are essentially unlimited is rightly held up for ridicule. The whole reason for the existence of the division of labor and a complex structure of production is the fact of the scarcity of resources. It is also the reason for the existence of economics as a discipline. Until recently, the denial of the fact of scarcity was limited to Utopian socialists and the Biblical account of the Garden of Eden. To claim, as some immigrationists have, that human ingenuity effectively eliminates the scarcity of natural resources, broadly defined, is almost flabbergasting. In actuality, an effective economic system rationally coordinates the allocation of resources based on the most efficient satisfaction of consumer wants. Human ingenuity may be able to cope with scarcity; it does not eliminate it.

"Immigration has increased in numbers and many of the immigrants are radically estranged from the mainstream of American culture, which itself has been redefined through immigration."

Overall, the scope of Mr. Williamson's treatment is impressive. He tackles the ethical and religious claims made by immigrationists, the relationship between America's perception of itself and its immigration policies, New Class interest in immigrationism, and the development of multi-culturalism in America, among other topics. And although most of the discussion in *The Immigration Mystique* treats economics as superfluous to larger questions raised by immigration, the last section of the book engages the pro-immigration economists squarely. While Mr. Williamson concedes, following Fairchild, that economics provides the most appealing arguments in favor of immigration, he deals with the issue quite effectively. He cites studies that show that immigration can significantly retard the development of the sending countries, contributing to stagnant and impoverished conditions. Similarly, immigration can act as a "brain drain" within countries that desperately require their brightest citizens. While immigrationists argue that immigration is needed to provide workers (and consumers) in the economy, Mr. Williamson points out that there is an abundance of low-skilled workers available, though many are currently on the dole. In an important observation, the author comments,

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"economists have noted that the United States really needs greater capital and more and better technology, which immigration does not supply." Technological development and capital investment are, after all, the means by which marginal productivity is increased.

The book as a whole is a carefully constructed work in which topics related to immigration and its effects are treated with great care. When dealing with the arguments in favor of immigration put forward by individuals and institutions (for example, mainline church denominations), Mr. Williamson provides some particularly erudite responses. Anyone who wants to grapple with the larger issues raised by current immigration policies will benefit tremendously from this presentation. His book has raised the terms of the debate. □

Mexico's Continuing Crises

The implications of this analysis are ominous

Book Review by David Simcox

Chaos may not be too strong a word for the social and political disarray that marks the crumbling of Mexico's 67-year-old authoritarian political system: unresolved political assassinations; massive currency crises and capital flight; paralyzing economic downturn; guerrilla uprisings in the south; graft of pharaonic scale in a once trusted former president's immediate family; and emergence of a Colombia-style narco-culture that pervades all institutions and co-opts all law enforcement.

Bordering on Chaos
By Andres Oppenheimer
Boston:Little, Brown and Co., 1996
352 pages, price $24.95

Most of these afflictions are not new in Mexico's troubled 174-year history as an independent republic. But nowadays they seem far more menacing from this side of our common border. Mexico is no longer a sleepy banana republic isolated by harsh terrain and bad roads from the U.S. There will soon be 100 million Mexicans, most of them unfulfilled, impatient — and mobile — as never before. Nearly 20 million of them live within a half day's drive of the U.S. border.

The mushrooming of Mexican colonies in the U.S. southwest has increasingly mingled Mexico's politics with our own. The Mexican establishment has advanced this process by allowing Mexican-born Americans dual citizenship and extending partisan political mobilization to U.S. territory. The U.S. encourages it by sweeping immigration amnesties followed by massive rubber-stamp naturalizations. Overlapping loyalties and an evanescent border are ingredients for the spread of violent conflict to U.S. soil if the Republic's political rot degenerates into general insurgency.

Journalist Andres Oppenheimer ratchets up our fears of apocalypse in Mexico with this chronicle of corruption, greed, murder and ineptitude in the ruling circles of the republic since the early 1990s. His book is a series of journalistic sketches or case studies of recent debacles in Mexico that symptomize a political system above accountability, immobilized by deceit and denial, and now collapsing from within because of infighting among the once united dominant political tribes.

Corruption, he notes, is no longer working as the "oil" and "glue" of Mexico's political system — the oil that made government wheels turn and the glue which bound quarrelsome factions of elites together and to the president since the 1920s.

The uprising of Zapatista militants in Chiapas state on New Years day 1994, an expression of despair, also helped catalyze the loss of investor confidence that would within a few months blossom into massive capital flight. Oppenheimer disputes the romantic view of some media and international human rights interests of the Chiapas insurgency as an indigenous, non-ideological

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movement for Indians' rights. Oppenheimer traces the movement's origins and leadership, not to Chiapas, but to a 17-year effort among non-Indian urban, Marxist-Leninist militants.

Initial reports of the latest anti-regime uprisings in Guerrero and Oaxaca states in August, 1996, suggest Oppenheimer's analysis is valid there as well. The implications are ominous. Mexico's professional revolutionaries have succeeded where Che Guevara and Fidel Castro failed — winning the active allegiance of the downtrodden indian masses.

"Among the worst losers [in the 1994 currency crisis] are those in Mexico's working class, which once again is sacrificing most to pay for the elite's bouts of overspending and corruption, and American communities and their workers, who must bear the costs of new waves of Mexican settlers..."

Neither Mexico nor the United States looks noble in the book's recounting of events leading to the currency crisis of late 1994. Mexico City set the stage for insolvency with an overvalued peso that stimulated massive imports from the United States in 1993 and 1994 and heavy patronage spending in anticipation of the 1994 elections. The Clinton administration reaped the gains as Mexico's extravagant purchases and hefty trade deficit with the United States improved the climate for Congressional approval of the North American Free Trade Agreement (NAFTA).

But with the ink hardly dry on NAFTA, Mexico's reserves had dwindled to the danger level by early 1994. Even as U.S. Treasury officials confidentially warned of impending financial crisis, the Clinton administration was publicly praising Mexico's economic record. Two weeks before the devaluation Clinton held up Mexico as a "model of good economic management" for other world economies. None of Treasury's internal warnings were shared with millions of U.S. investors, who failed to get out before devaluation cut the value of their investments by half.

Among the worst losers are those in Mexico's working class, which once again is sacrificing most to pay for the elite's bouts of overspending and corruption, and American communities and their workers, who must bear the costs of new waves of Mexican settlers abandoning a country that offers only poverty and neglect.

The well-connected giants of Mexico's coddled private sector, Oppenheimer notes, had no trouble switching out of pesos in time. While Mexico's smaller businesses and farmers have suffered severely under NAFTA, private sector elites were able to buy privatized state enterprises on sweetheart terms and were guaranteed protection of their monopolies for the first twelve years of NAFTA. In return, Mexico's magnates donated sums to the official party's 1994 re-election effort that make U.S. political contributions seem paltry.

Oppenheimer concludes that Ernest Zedillo, candidate of the official party, won the Presidency in August, 1994 fair and square, although with less than half the vote for the first time in PRI history. The author gives us an insider's view of how then-President Carlos Salinas Gortari hand-picked to succeed him, first, the ill-fated Luis Donaldo Colosio and then Zedillo, without even the pretence of a primary vote, convention, or even a smoke-filled room to restrain him. This was an exercise of what the author calls Mexico's "revolving dictatorship."

At work throughout these events, Oppenheimer finds, is "Mexican exceptionalism" among U.S. policy makers. No matter how destructive Mexico's behavior, whether drug smuggling, human rights abuses, illegal immigration, or financial recklessness, the United States will not endanger the relationship by confronting it as a mature, accountable partner. One political scientist has called this condition "the tyranny of the weak."

For the author, among the sickest of Mexico's institutions are the national, state and local police forces — some 2400 of them, poorly coordinated, trained and paid. The major police forces have carved out special niches of corruption. The Federal Police are now the allies and protectors of the major Mexican drug cartels, or distributors themselves of seized heroin and cocaine. The Mexico City police specialize in extortion of motorists and taxi operators and occasional kidnappings for ransom. Tijuana city police have

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prospered in car theft in neighboring San Diego. State police forces are little more than uniformed crime syndicates.

The Ministry of Interior estimated conservatively in 1995 that 60 percent of all police had accepted bribes or had criminal records themselves. The Ministry reported that about 50 percent of members of the nation's estimated 900 criminal bands were active or retired members of police forces.

An inescapable point of Oppenheimer's volume is that Mexico as a modern nation is just not working. Mexico's divisions and injustices are antithetical to nation building. Not surprisingly Mexicans are spiritually or physically opting out. Oppenheimer finds Mexican nationalism is a myth created by the ruling elites to strengthen their bargaining position with the United States. The author cites polls showing Mexicans are less nationalistic than Americans: 59 percent of them favor a political merger with the United States.

For millions, the Mexican state now fails to offer the most basic amenities of nationhood: equality before the law, a functioning judicial system, personal safety and dignity, and a modicum of civic participation. A portentous response has been the unilateral self-annexation of millions of Mexicans to the nation next door. □

A Nation Like No Other?

Another look at America's leading characteristics

Book Review by Kevin Lamb

The unique national characteristics of America's political and social culture, which distinguish the United States from other nations of the world, continue to evoke much speculation and analysis among scholars. Some of the political and social factors that contribute to America's stability as a democratic republic are incisively reviewed by a leading American scholar. In the tradition of Tocqueville's perceptive study of American society, Seymour Martin Lipset, a re-spected and influential social scientist, attempts to explain modern social trends vis-a-vis the traditions that are embedded in America's political culture.

American Exceptionalism: A Double-Edged Sword
by Seymour Martin Lipset
New York: W.W. Norton, 1996
352 pages, $27.50

According to Lipset, five core pillars of the American creed account for its exceptional status: liberty, egalitarianism, individualism, populism, and laissez-faire. Lipset points out that the key to understanding social, economic and political trends throughout American history is to consider them in the context of this five-dimensional prism. In this sense, the *ideal* of the American creed is *the* distinguishing feature that makes the United States unique. The degree to which the national character is influenced by the beliefs and values ingrained by this creed is what Lipset identifies as "American exceptionalism."

Other Western countries that have their own distinct cultural identities, like Canada or France, differ from the United States in that they lack robust populist and individualistic convictions. Unlike these other democracies, the concepts of limited government and individual liberty are core features of the American political landscape. The appealing features of the American creed may also explain why residents from unstable countries, who endure patterns of turmoil and torture, so often seek the "American dream" of prosperity and the security a more comfortable existence offers.

Two of the more interesting chapters review the experience of two significant ethnic groups that have had a major impact on American society: Jews and African Americans. Lipset points out that while both groups have experienced discrimination and hostility, major societal and legal changes have been implemented to rectify such practices. And as Lipset

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points out, a genuine sense of fairness and a commitment to equal opportunity is a leading American characteristic.

Whether it's the abolition of slavery, the end of legal segregation, the resistance to racial or gender preferences, the rise of entrepreneurship or the religious nature of our moral compass, major trends or significant events in American history often stem from one or more of these five major tenets. The end of slavery and de facto segregation reflects a commitment to egalitarian principles just as the widespread opposition to affirmative action reveals a meritocratic recognition of individual achievement. In this regard, Lipset presents a balanced portrait of American culture.

One of the stronger features of Lipset's work is the extensive polling data that disclose revealing information about American attitudes and beliefs on a range of social, economic and political issues. Again, on many issues the concept of individualism runs much deeper in American society than many other European or Asian nations. This explains in part why trade unions remain relatively weak and insignificant unlike their European counterparts. It also accounts for the lack of any substantial socialist movements in American politics. In addition to survey data, the author presents a vast amount of detailed information from reliable secondary sources. Lipset's study, however, comes up short in a few key areas, and to some extent this simply reflects a blind side in the contemporary neoconservative view of social issues.

First, while its scope is broad, its depth is shallow. In this regard, one strength of Tocqueville's analysis is notably missing from the present work. As Tocqueville pointed out, the national character of America's political and social culture was shaped early on by Europeans, which Tocqueville identifies as "Anglo-Americans." This is reflected in the customs, traditions and folkways of our colonial ancestors. The experiences shaped by this common heritage contributed to the formation of our own political institutions. That the foundation and endurance of the American political and social order stem from traditional European culture is not coincidental.

Second, little if any mention is made in the present work about the impact of sizable demographic shifts in the American population, largely a result of contemporary immigration policies, and how this will affect the social and political culture. Tocqueville recognized the significant relationship between civil associations and a firmly established common culture. As Tocqueville put it, "all these general characteristics of the nation were more or less the same among those of its sons who sought a new future on the far side of the ocean."

"One of the strongest features of Lipset's work is the extensive polling data that discloses revealing information about American attitudes and beliefs on a range of social, economic and political issues."

Most of the measures Lipset relies upon in evaluating American culture and in making cross-national and cultural comparisons are inherently subjective. By applying the national syntality theory of eminent social psychologist Raymond Cattell, Lipset could have enhanced his own empirical findings with this added depth of analysis. Cattell's theoretical framework, an objective method of comparing on a qualitative scale various features of national cultures, would have complemented Lipset's findings. How great, for instance, is the magnitude of *cultural pressure*, what effect does it have on national character and how has it changed American culture?

It's often difficult to recognize the immediate consequences of extensive changes that occur incrementally over time. And to this extent, migrations of diverse people affect the cultural direction within any given nation.

Although the scant attention that Lipset devotes to examining immigration-related issues is arguably the weakest aspect of his work, Lipset's study is an insightful account — one that, unlike other contemporary volumes in the social sciences, remains free of ideological jargon. □

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Recent Immigrants — An Increasing Welfare Burden

Article Review by Wayne Lutton

"Immigration and the Welfare State:
Immigrant Participation in Means-Tested
Entitlement Programs"
by George J. Borjas and Lynette Hilton
The Quarterly Journal of Economics
Volume CXI, Issue 2, May 1996, pp. 575-604

Are recent immigrants contributing to our welfare burden? For years, anti-limitationists, such as Julian Simon and Jack Kemp, have argued that immigrants are a boon to the economy and are less likely than native-born Americans to use welfare programs. A new report by Harvard economist George Borjas and co-authored by Lynette Hilton indicates that the United States has indeed become a "welfare magnet" for immigrants from around the world. When both cash and non-cash welfare programs are taken together, by the early 1990s, in typical month 20.7% of immigrant households were using welfare, compared to 14.1% of native households, and 10.5% of white, non-Hispanic native households. In less than a decade, the immigrant-native "welfare gap" more than doubled.

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Borjas and Hilton note that focusing only on cash benefit programs badly understates over-all welfare use. Cash benefit programs, such as Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI) account for less than a quarter of the cost of all means-tested programs. Non-cash programs include Food Stamps, Medicaid, and housing subsidies.

Using data taken from the Survey of Income and Program Participation (SIPP), rather than relying only on the Census Bureau, which does not provide any information about non-cash welfare enrollment, the authors found that immigrant households "experience both more and longer welfare spells. Immigrant households spend a relatively large fraction of their time participating in some means-tested program...[I]mmigrant households are more likely to participate in practically every one of the major means-tested programs."

Immigrants were also found to account for a disproportionately large fraction of the costs of major benefit programs, such as 16.6 percent of the costs of AFDC, 18.4 percent of the cost of SSI, 11.5 percent of the costs of Food Stamps, 14.1 percent of the costs of Medicaid, and 19 percent of the cost of school breakfasts and lunches. All told, the 8.8 percent of persons living in immigrant households accounted for 13.8 percent of our national welfare costs — almost 60 percent more than their percent of the population.

The available data show that "immigrants are more likely to be exposed to the welfare system and are also more likely to become 'permanent' recipients." Moreover, "more recent immigrant cohorts are more likely to participate in welfare programs than earlier cohorts *and* ...immigrants in a particular cohort of arrival are more likely to receive benefits the longer they have lived in the United States." What seems clear is that immigrants are having little trouble assimilating into the welfare state.

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Being an immigrant as such does not explain why they are on welfare at higher rates than native-born Americans. Rather, current U.S. policy allows people into the country who possess socio-economic characteristics that are highly correlated with welfare use. As Borjas and Hilton point out, "a small number of observable socio-economic characteristics can be used to screen the pool of potential immigrants and to assess the probability that a visa applicant will become a welfare recipient upon entry in the United States."

As Table IV from their report reveals (reprinted below), various national origin groups tend to receive particular types of welfare benefits. Borjas and Hilton, citing the work of Don Barnett and Norman Matloff, agree that networking is taking place, with particular ethnic communities encouraging their fellows to participate in select programs.

"Immigration and the Welfare State" is an important article that should go far in closing the debate on this particular aspect of immigration policy.

It simply cannot be honestly argued that immigration is a cost-free benefit to United States taxpayers. □

[This journal is taken by many college and public libraries; back issues are $14.00 each and can be purchased from The MIT Press Journals, 55 Hayward Street, Cambridge, MA 02142.]

Table IV
Average Monthly Probability of Receiving Benefits in 1990/1991
Selected National Origin Groups

Country of Birth	AFDC	SSI	Food Stamps	Energy Assist.	Medicaid	Housing Subsidiy	School Lunches	Any Cash Benefits	Cash Medicaid Vouchers	Cash Medicaid Vouchers Housing	Any Benefits
Europe:											
Germany	0.8	1.6	4.1	1.2	4.3	1.5	2.1	3.6	6.6	7.3	8.0
Greece	0.0	2.9	1.4	0.7	4.6	2.6	2.6	2.9	5.2	7.7	9.8
Ireland	0.0	3.6	5.1	3.4	4.9	0.0	0.0	5.0	7.8	7.8	7.8
Italy	1.7	6.0	2.4	4.5	8.7	6.4	1.6	8.5	13.0	17.2	18.3
Poland	2.1	3.3	4.9	3.0	7.7	3.7	2.3	5.4	9.2	10.7	10.9
Portugal	0.3	3.9	0.3	0.2	5.5	2.7	6.3	4.2	7.8	10.5	16.2
U.K.	0.2	2.4	2.5	0.9	5.2	2.9	2.4	2.8	6.8	9.6	11.3
U.S.S.R.	7.5	17.8	30.9	5.9	40.6	11.0	7.3	31.3	40.9	41.8	42.8
Other Europe	0.6	1.5	1.9	1.3	3.0	1.4	1.0	2.3	4.2	5.7	6.2
Asia:											
China	0.3	8.0	1.3	0.4	11.8	6.3	6.3	8.4	11.9	14.3	18.9
India	1.5	1.3	1.9	0.0	7.2	4.5	3.2	2.8	7.3	11.7	14.5
Japan	0.0	7.8	1.0	0.9	7.8	0.0	3.1	7.8	9.3	9.3	11.7
Korea	0.1	2.7	0.2	0.3	4.2	2.4	6.7	3.3	4.8	7.3	13.7
Middle East	5.1	12.8	12.4	1.6	22.8	1.2	9.4	18.5	23.5	23.5	25.4
Philippines	1.1	7.3	3.1	0.0	10.8	3.6	2.5	8.4	11.6	15.2	16.5
Vietnam	20.3	24.1	29.7	3.8	44.9	18.6	28.6	41.1	46.0	48.6	53.3
Other Asia	25.8	17.6	30.2	5.4	33.2	8.2	29.5	32.4	33.8	34.3	40.5
North & South America											
Canada	1.6	1.7	0.7	1.5	4.4	4.4	1.2	4.5	6.9	9.6	9.9
Central Am.	4.3	5.8	11.3	1.9	22.8	7.4	25.7	9.6	27.7	31.5	43.5
Cuba	0.6	17.5	15.6	2.3	22.7	8.9	5.6	17.8	24.7	27.5	29.9
Dom. Rep.	23.9	19.8	38.3	9.3	47.1	15.3	29.7	45.4	49.5	50.9	58.6
Jamaica	1.3	6.8	3.3	1.6	11.0	2.5	9.3	8.1	12.1	12.8	19.1
Mexico	6.9	6.2	17.0	3.0	26.8	7.9	35.6	13.7	33.7	36.0	51.3
South Am.	4.0	4.3	7.7	1.8	11.4	5.7	14.1	8.4	15.0	18.5	26.1
Other Groups											
Refugees	7.4	13.6	16.9	3.4	24.1	9.5	8.8	19.5	25.6	27.9	29.9
Non-refugees	3.8	5.5	8.0	2.0	14.1	4.9	12.6	9.6	17.1	19.7	25.5
All natives	2.9	3.7	6.5	2.3	9.4	4.4	6.2	7.3	12.3	14.1	16.3
White Natives	1.5	2.5	4.0	1.8	6.5	3.1	3.9	4.8	8.9	10.5	12.2
Black Natives	12.1	12.2	23.3	5.4	28.8	14.6	22.0	24.5	35.1	38.8	44.0
Hisp. Natives	10.0	9.9	19.4	5.2	26.0	10.3	18.5	20.7	30.9	33.4	38.1

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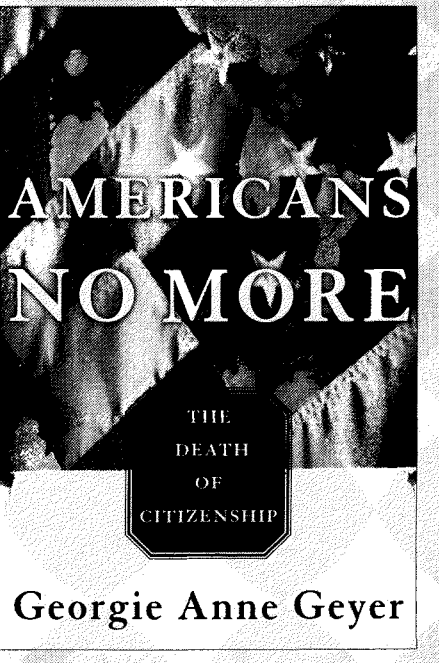
The Degradation of Citizenship

In America, the concept of citizenship has lost all meaning. In turmoil over illegal immigration and bilingualism, we are divided by a multitude of conflicting loyalties. Individual and ethnic allegiances have taken precedence over our national identity. In *Americans No More*, Georgie Anne Geyer, one of our most prominent political commentators, examines the death of citizenship in our increasingly fragmented society and its negative effect on our country's political and social structure.

"When we allow ourselves to be divided by ethnic background, we invite the Balkanization of the United States. We lose what it means to be Americans. Georgie Anne Geyer has written a serious and timely book on an important topic."
—James A. Baker III

"This is a timely, challenging and wonderfully well-written book. It is also important."—Jeane J. Kirkpatrick

"Georgie Anne Geyer, in a brilliant new book . . . chronicles in painful detail the steady diminution of naturalization."
—National Review



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